



# California Regulatory Notice Register

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AUGUST 27, 2010

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. DEPARTMENT OF  
PERSONNEL ADMINISTRATION**

CALIFORNIA CODE OF REGULATIONS  
TITLE 2. ADMINISTRATION  
ARTICLE 29. SUBSTANCE ABUSE

**NOTICE OF PROPOSED REGULATORY ACTION**

The Department of Personnel Administration (DPA) proposes to take the regulatory action described below after considering all comments, objections, or recommendations regarding the proposed regulatory action.

**PUBLIC HEARING**

A public hearing will be held from 1:00 p.m. to 4:00 p.m., October 19, 2010, at the Department of Personnel Administration, 1800 15th Street, in the Benefits Conference Room, Sacramento, CA, 95811. This room is wheelchair accessible. At the hearing, any persons may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. DPA, requests but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to DPA. The written comment period closes at 5:00 p.m., October 19, 2010. DPA will consider only comments received at DPA by that time. Please submit comments to the agency contact person below:

Department of Personnel Administration  
Attn: Sydney Perry  
1515 "S" Street, North Building, Suite 400  
Sacramento, CA 95811  
Phone (916) 324-2763  
[sydperry@dpa.ca.gov](mailto:sydperry@dpa.ca.gov)

**AVAILABILITY OF STATEMENT OF  
REASONS AND TEXT OF PROPOSED  
REGULATIONS/CONTACT PERSONS**

DPA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations and the Initial Statement of Reasons. Copies may be obtained by contacting Sydney Perry at the address or phone number listed above. The back-up contact person for this action is:

Julie Lowe  
Program Assistant  
Department of Personnel Administration  
1515 "S" Street, North Building, Suite 400  
Sacramento, CA 95811  
Phone (916) 324-9386  
[julielow@dpa.ca.gov](mailto:julielow@dpa.ca.gov)

**AVAILABILITY OF CHANGES**

After holding the hearing and considering all timely and relevant comments received, DPA may adopt the proposed regulations substantially as described in this notice. If DPA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. Please send requests for copies of any modified regulations to the attention of Sydney Perry at the address indicated above. DPA will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF FINAL  
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Sydney Perry at the above address.

**AVAILABILITY OF DOCUMENTS  
ON THE INTERNET**

Copies of the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and the text of the regulations in strikeout format, as well as the Final Statement of Reasons once it is completed, can be accessed through DPA's website at [www.dpa.ca.gov](http://www.dpa.ca.gov).

**PROPOSED REGULATORY ACTION**

Notice is hereby given that DPA intends to amend Section 599.960. General Policy, Section 599.963,

Testing Process and Standards and Section 599.965, Medical Review Officer, Subchapter 1, Chapter 3 of Title 2 of the California Code of Regulations.

DPA has prepared a written explanation of the reasons for amending Article 29 by proposing amendments to Sections 599.960, 599.961 and 599.965.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW  
AMENDMENT TO TITLE 2,  
ARTICLE 29, SUBSTANCE ABUSE**

Section 599.960. GENERAL POLICY  
Section 599.963. TESTING PROCESS AND  
STANDARDS  
Section 599.965. MEDICAL REVIEW OFFICER

Regulations in this article are for the purpose of helping to ensure that the State workforce is free from the effects of drug and alcohol abuse. Current regulations provide for substance testing of employees in designated sensitive positions on a reasonable suspicion basis and random drug testing for excluded and exempt peace officer employees.

The proposed amendments to the regulations in this article would incorporate the drug and alcohol testing procedures in the Federal Motor Carrier Safety Act (FMCSA), Title 49, Part 40 regulations and the Substance Abuse Mental Health Services Administration (SAMHSA)

Mandatory Guidelines for Federal Workplace Drug Testing Programs into the State's drug and alcohol testing programs.

**FEDERAL REGULATIONS**

There are no existing federal regulations, statutes, or requirements that cover the purpose of this proposed action.

**SMALL BUSINESS**

The regulations covered by this proposal have no impact on small business because they apply only to California state employees.

**LOCAL AGENCY AND  
SCHOOL DISTRICT MANDATE**

DPA has determined that since these rules pertain only to State employees, they do not impose a mandate on local agencies or school districts.

**COSTS OR SAVINGS**

DPA has determined that this proposal does not:

- Cause significant cost for local agencies or school districts requiring reimbursement pursuant to Government Code Sections 17500–17630.
- Impose nondiscretionary costs to or savings on local agencies.
- Cause costs or savings in Federal funding to the State.

There is a minimal administrative cost to the State, as a reasonable suspicion and random drug testing program for excluded and exempt peace officer employees is currently in place.

**BUSINESS/PRIVATE PERSON IMPACT**

DPA has made an initial determination that this proposed rulemaking action does not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

In addition, this rulemaking will not:

- Create or eliminate jobs in California.
- Create, expand, or eliminate businesses in California.

**CONSIDERATION OF ALTERNATIVES**

DPA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to the affected private persons than the proposed action.

**HOUSING IMPACT**

This rulemaking action will not affect housing costs.

**AUTHORITY AND REFERENCE**

Government Code Section 19815.4(d) authorizes DPA to adopt, amend, and repeal rules pertaining to the administration of the State's personnel system which includes Title 2, Article 29, Substance Abuse, California Code of Regulations.

Authority Cited: Sections 19572, 19816, and 19820 Government Code.

Reference: Section 19261, Government Code.

## TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

### CONFLICT-OF-INTEREST CODES

#### ADOPTION

MULTI-COUNTY: Coalinga-Huron Library District

#### AMENDMENT

MULTI-COUNTY: Westside Resource Conservation District

A written comment period has been established commencing on **August 27, 2010**, and closing on **October 11, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **October 11, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

## COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code(s) and approve it as revised, or return the proposed code(s) for revision and re-submission.

### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

### CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cynthia Fisher, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture adopted Section 3435 of the



regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid Interior Quarantine as an emergency action that was effective on July 26, 2010. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than November 30, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before October 11, 2010.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law obligates the Department of Food and Agriculture to protect the agricultural industry in California and prevent the spread of injurious pests (Food and Agricultural Code, Sections 401 and 403). Existing law also provides that the Secretary may establish, maintain, and enforce such regulations as he deems necessary to prevent the spread of pests to protect California's agricultural industry (Food and Agricultural Code, Section 5322).

This amendment of Section 3435(c) added *Amyris madrensis* (mountain torchwood), *Choisya arizonica* (Arizonia orange), *Choisya ternate* (Mexican or mock orange) and *Esenbeckia berlandieri* (Berlandier's jopoy) to the articles and commodities covered. The effect of this amendment is to provide authority for the State to restrict the movement of these new hosts from a regulated area to prevent the artificial spread of ACP to uninfested areas of California. There is no existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3435 does not impose a mandate on local agencies or school districts, except that an agricultural commissioner of a county under quarantine has a duty to enforce it. No reimbursement is required under

Section 17561 of the Government Code because the affected county agricultural commissioners requested that these areas become the area under quarantine; therefore, there are no mandated costs associated with the addition of these hosts to the regulation.

The Department also has determined that the regulation will involve no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, no reimbursable costs or savings to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, and no costs or savings in federal funding to the State.

#### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed actions will not affect housing costs.

#### EFFECT ON BUSINESSES

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### ASSESSMENT

The Department has made an assessment that the proposed amendment of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### ALTERNATIVES CONSIDERED

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

#### AUTHORITY

The Department adopted and amended Section 3435 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code of California.

#### REFERENCE

The Department adopted and amended Section 3435 to implement, interpret and make specific Sections 5301, 5302 and 5322, Food and Agricultural Code.

#### EFFECT ON SMALL BUSINESS

The proposed amendment of this regulation may affect small businesses.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Liz Johnson at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

#### INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet Web site ([www.cdfa.ca.gov/cdfa.pendingregs](http://www.cdfa.ca.gov/cdfa.pendingregs)).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed,

they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

#### TITLE 4. CALIFORNIA HORSE RACING BOARD

#### TITLE 4, CALIFORNIA CODE OF REGULATIONS

#### NOTICE OF PROPOSAL TO AMEND RULE 1876. FINANCIAL RESPONSIBILITY

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1876, Financial Responsibility, to require that all financial responsibility complaints, except those submitted as horse racing related wage disputes, include a California civil court judgment. The proposed amendment would also provide that financial responsibility complaints from equine medical hospitals, horse farms and Board authorized thoroughbred horse auctions will be considered if the debts are directly related to the California horse racing operations of a person licensed by the Board. The proposed amendment to Rule 1876 provides for the acceptance of financial responsibility complaints that are horse racing related wage disputes originating between persons licensed by the Board.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, October 14, 2010**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representatives, may submit written comments about the pro-

posed regulatory action to the Board. The written comment period closes at **5:00 p.m., on October 11, 2010**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
Fax: (916) 263-6022  
E-Mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

#### **AUTHORITY AND REFERENCE**

Authority cited: Sections 19440 and 19460, Business and Professions Code. Reference: Sections 19440, 19460 and 19461, Business and Professions Code.

Business and Professions Code sections 19440 and 19460 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19440, 19460 and 19461, Business and Professions Code.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19460 provides that all licenses granted under this chapter are subject to all rules, regulations, and conditions from time to time prescribed by the Board and shall contain such conditions as are deemed necessary or desirable by the Board for the purposes of this chapter. Business and Professions Code section 19461 states every license granted under this chapter is subject to suspension or revocation by the Board in any case where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the board affecting it has been broken or violated.

The Board proposes to amend Rule 1876 to clarify the circumstances under which a financial responsibility complaint will be accepted, and the procedures for submitting such a complaint. Board Rule 1876 provides that no licensee shall willfully and deliberately fail or refuse to pay any moneys when due for any service, supplies or fees related to his or her operations as a licensee.

The proposed amendment to Rule 1876 amends subsection 1876(a) to describe the type of debts that may result in a licensee gaining the attention of the Board. The debts must be directly related to the licensee's California racetrack operations. This is in keeping with the Board's jurisdiction over horse racing and persons who are required to obtain an occupational license to participate in horse racing. Subsection 1876(b) has been amended to require that a civil court judgment accompany any financial responsibility complaint against a licensee. The Board has determined that it wishes vendors to make every effort to collect debts before they turn to the Board. A civil court judgment against a licensee demonstrates that the vendor has used other venues for collecting debts, and it legitimizes the claim. A new subsection 1876(d)(3) expands on the Board's requirements regarding civil court judgments. The civil court judgment must have been issued in California; the time for appeal of the judgment must have lapsed; and it must have been issued within one year of the filing of the complaint. This provides the complainant with a firm timeline, and prevents the Board's investigators and the stewards from having to deal with actions that occurred well in the past. A new subsection 1876(e) provides that financial responsibility complaints submitted by equine medical hospitals, horse farms and thoroughbred horse auction sales authorized by the Board in accordance with Rule 1807, Authorized Horse Sales, will be considered. The Board determined it wished to add the three horse racing related businesses to the text of Rule 1876 to ensure financial responsibility complaints submitted by such businesses will be accepted. In the past, there has been confusion as to whether the services provided by such enterprises were required to be heard. The addition of subsection 1876(e) provides clarity. Subsection 1876(e) requires that financial responsibility complaints submitted by equine medical hospitals, horse farms and thoroughbred horse auction sales must comply with subsections (b), (c) and (d)(1) through (d)(3) of Rule 1876. This will ensure that the entities provide the correct documentation, obtain a civil court judgment, and that they will follow the timelines provided under Rule 1876. Subsection 1876(e) also states the financial responsibility complaints must be directly related to the licensee's California horse racing operations. This ensures the Board will only receive financial responsibility complaints regarding services provided to equines that are race horses. Subsection 1876(e)(1) has been added to provide that no horse farm may file a financial responsibility complaint where the debt is less than one thousand dollars. This is not a high level of debt for the boarding and training of horses at farms, but it does put in place a minimum so the Board is not inundated with financial responsibility complaints from such facilities.



The Board understands that many persons licensed to work within the restricted areas of the inclosure, including grooms, stable employees, stable assistants and exercise riders may be reluctant to obtain a civil court judgment for unpaid wages. Subsection 1876(f) has been added to exempt financial responsibility complaints that are horse racing related wage disputes between persons licensed by the Board from subsection (d)(3) of the regulation, which requires a civil court judgment. This will allow persons licensed by the Board who might otherwise refrain from filing a financial responsibility complaint to seek the help of the Board in obtaining unpaid wages.

#### DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1876 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1876 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1876 does not affect small businesses because horse racing is not a small business under Government Code section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the

purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst  
Telephone: (916) 263-6033

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the

modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

#### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

### **TITLE 4. CALIFORNIA HORSE RACING BOARD**

#### **NOTICE OF PROPOSAL TO ADD RULE 1581.2. SUSPENDED TRAINER MAY ENTER HORSES**

The California Horse Racing Board (Board) proposes to add the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to add Rule 1581.2, Suspended Trainer May Enter Horses. The proposed regulation provides that a trainer whose license has been suspended may enter horses to race, provided the race(s) will start after the final day of the trainer's term of suspension, unless the Board or the stewards deny the privilege.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, October 14, 2010**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons

making oral comments at the hearing submit a written copy of their testimony at the hearing.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on October 11, 2010**. All comments must be received by that time at the Board; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
Fax: (916) 263-6022  
E-mail: [HaroldC@chrb.ca.gov](mailto:HaroldC@chrb.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: sections 19420, 19440 and 19460, Business and Professions Code. Reference cited: sections 19440, 19460 and 19461, Business and Professions Code.

Business and Professions Code sections 19420, 19440 and 19460 authorize the Board to adopt the proposed regulation, which would implement, interpret, or make specific sections 19440, 19460 and 19461 of the Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 states jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19460 states all licenses granted under this chapter shall be in writing and are subject to all rules, regulations, and conditions from time to time prescribed by the Board. Business and Provisions Code section 19461 provides that every license granted under this chapter is subject to suspension or revocation by the Board in any case

where the Board has reason to believe that any condition regarding it has not been complied with, or that any law, or any rule or regulation of the Board affecting it has been broken or violated.

A Board licensed trainer who violates CHRB regulations may receive a term of suspension in lieu of or in conjunction with other sanctions. This means the trainer may not participate in a race meeting because his license is invalid, and he is ruled off the grounds. To provide for the horses under his care the suspended trainer may transfer his horses to his assistant trainer (if he has one) or to another trainer. That person would continue to train and care for the horses until the original trainer is no longer suspended. Upon the end of the trainer's term of suspension, the horses are transferred back into the name of the trainer who was suspended, so that he may resume his duties as trainer. A typical term of suspension may last from five to 15 days. However, because a trainer who is serving a term of suspension can not conduct his business during the suspension, he is unable to enter horses to race. Entries are taken in advance of a race, and they typically close 48 hours before the race is run. Races that run on a Saturday will often close for entry on the preceding Friday. This means the suspended trainer is unable to enter horses to run in races that will occur one or two days after his suspension has ended, which can be looked upon as having the effect of "extending" the term of suspension. The Board has determined it wishes to add Rule 1581.2 to allow a trainer whose license is suspended to enter a horse to race, provided the race will occur after the last day of the trainer's term of suspension. The proposed Rule 1581.2 states that during the term of a suspension, a trainer may enter horses to race provided the race(s) will occur after the last day of the term of suspension. This will allow the trainer to resume his stable operations immediately after his term of suspension has lapsed. It will also ensure the suspension is not effectively "extended" because the suspended trainer lost the opportunity to enter horses in races that would occur in the days following the term of suspension. Rule 1581.2 also provides that the Board or the stewards may deny a suspended trainer the privilege of entering a horse. This preserves the Board's authority over the entry of horses in races.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.  
Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed addition of Rule 1581.2 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed addition of Rule 1581.2 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Affect on small businesses: none. The proposal to add Rule 1581.2 does not have an effect on small businesses because it does not apply to small businesses. Rule 1581.2 will allow a suspended trainer to enter horses to race, provided the races in which the trainer enters the horses occur after the last day of the trainer's term of suspension.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
Policy and Regulation Unit  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
E-mail: [HaroldC@chrb.ca.gov](mailto:HaroldC@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst  
Telephone: (916) 263-6033

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION**

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office, at the above address, as of the date this notice is published in the Notice Register. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternate contact person, at the address, phone numbers, or e-mail address listed above.

#### **AVAILABILITY OF MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text — with changes clearly marked — shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### **AVAILABILITY OF FINAL STATEMENT OF REASONS**

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or in a modified form, should be sent to the attention of Harold Coburn at the address stated above.

#### **BOARD WEB SITE ACCESS**

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation, and the initial statement of reasons. The Board's web site address is [www.chrb.ca.gov](http://www.chrb.ca.gov).

## **TITLE 14. DEPARTMENT OF PARKS AND RECREATION**

### **NOTICE OF PROPOSED RULEMAKING**

**NOTICE IS HEREBY GIVEN** the Department of Parks and Recreation (Department) proposes to amend the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

### **PROPOSED REGULATORY ACTION**

The Department proposes to amend the regulations and documents incorporated by reference in the California Code of Regulations (CCR), Title 14, Division 3, Chapter 15, Articles 1 through 5, Sections 4970.00 through 4970.26 pertaining to the Off-Highway Motor Vehicle Recreation (OHMVR) Grants and Cooperative Agreements Program (Program).

### **PUBLIC HEARING**

The Department has scheduled one public hearing on the proposed rulemaking. The hearing will be held in Sacramento on October 12, 2010, commencing at 5:00 p.m.

The location of the hearing is:

OHMVR Headquarters  
1725 23rd Street, Suite 200  
Sacramento, CA 95816  
(916) 324-4442

Additionally, a satellite location will be available for the hearing. Interested persons will be able to participate in the hearing via telephone conference call. The satellite hearing location is:

California Citrus State Historic Park  
Visitor Center  
9400 Dufferin Ave.  
Riverside, CA 92504

At the hearing, any interested person, or his or her authorized representative, may present oral or written statements, arguments, or contentions relevant to the proposed action described in the Informative Digest. The Department may impose reasonable limits on oral presentations. The Department requests, but does not require, persons making oral comments at the hearings also submit a written copy of their testimony at the conclusion of their remarks. Additionally, pursuant to Government Code Section 11125.1, any information presented to the Department during the open hearings in connection with the matter subject to discussion or con-



sideration becomes part of the public record. Such information shall be retained by the Department and shall be made available upon request.

Written comments other than those presented at the public hearing may be submitted to the Department as described below.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends at 5:00 p.m., on October 11, 2010. The Department will consider only written comments received at the Department's office by that time (in addition to those comments received at the public hearing). All written comments shall be submitted to the following address:

Department of Parks and Recreation  
Off-Highway Motor Vehicle Recreation Division  
Attn: Sixto Fernandez, Grants Manager  
Grants and Cooperative Agreements  
1725 23<sup>rd</sup> Street, Suite 200  
Sacramento, California 95816-7100

Written comments of not more than 10 pages will be accepted by the Department via facsimile at (916) 324-1610. A fax transmission must be completed by the deadline given above.

#### AUTHORITY AND REFERENCE

*Authority Citation:* The proposed amendments are authorized by Public Resources Code (PRC) Sections 5001.5 and 5003.

*Reference Citation:* The particular code sections implemented, interpreted, or made specific by these proposed amendments are PRC Sections 5090.32 and 5090.50.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### *Background and History*

Public Resources Code Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation Act of 2003 (Act), as amended, governs off-highway motor vehicle grants and cooperative agreements with cities, counties, districts, federal agencies, federally recognized Native American tribes, nonprofit organizations, educational institutions, and State agencies. The Grants and Cooperative Agreements Program is

administered by the Off-Highway Motor Vehicle Recreation (OHMVR) Division within the Department of Parks and Recreation (Department). The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand and manage high-quality Off-Highway Vehicle (OHV) recreation areas, roads, trails, and other facilities, while responsibly maintaining the wildlife, soils, and habitat in a manner that will sustain long-term OHV recreation. Assistance is provided in the form of project-specific grant funding.

The Department adopted permanent regulations for the Grants and Cooperative Agreements Program, which appear in the California Code of Regulations, Title 14, Division 3, Chapter 15, Sections 4970.00-4970.26. These regulations apply to grant and cooperative agreement applications received by the OHMVR Division on or after January 1, 2008. Under the approved regulations, grant funding may be applied for using a two-step application submission process. This process ensures public review and comment, allows for preliminary review by the OHMVR Division, and provides the opportunity for applicants to submit stronger, more competitive final applications. The OHMVR Division requires application submission using the On-Line Grant Application (OLGA) database, a web-based system that allows applicants to develop and submit their application via the internet. After scoring the applications, successful applicants enter into binding project agreements to facilitate the funding of the projects.

Minor revisions were made to the regulations following the completion of the 2008/09 grants cycle, primarily to correct small issues identified during the initial funding cycle under the new Program regulations.

With the conclusion of the 2009/10 grants cycle, the OHMVR Division identified areas in the regulations needing additional clarity or revision. As a result, the Department proposes to amend portions of CCR Title 14, Division 3, Chapter 15, Sections 4970.00-4970.26 and documents incorporated by reference. These amendments will eliminate confusing aspects of the Program, further define eligible costs, and revise project evaluation criteria to obtain more effective and relevant information for scoring the projects.

##### *Effect of Proposed Rulemaking*

The Department is proposing to amend the OHMVR Grants and Cooperative Agreements Program Regulations, CCR Title 14, Division 3, Chapter 15, Articles 1 through 4, Sections 4970.00-4970.26 and documents incorporated by reference as follows:

*Section 4970.00* is amended to update the applicable date of the regulations.

*Section 4970.01* is amended to refine an existing definition.

*Section 4970.05* is amended to identify the correct Appendix revision date and clarify the required match amount.

*Section 4970.08* is amended to explain the maximum allowable Indirect Costs, to specify eligible acquisition costs, and standardize eligible travel expenses for federal and non-federal applicants.

*Section 4970.09* is amended to specify ineligible project costs.

*Section 4970.13* is amended to indicate flexibility in education and safety project deliverables.

#### Documents Incorporated by Reference

*General Information* is amended to round costs to the nearest dollar.

*Environmental Review Data Sheet (Rev. 1/10)* is amended to correspond with language in the California Environmental Quality Act Guidelines.

*Habitat Management Program (HMP) (Part 2 — Risk Analysis, Management Program, and Reporting)* is amended effectively gather additional information.

*Project Cost Estimate (Rev. 1/10)* is amended to round costs to the nearest dollar.

*Payment Request DPR 364 (2008/2009)* is amended for ease of use and clarity.

*Evaluation Criteria — General Criteria (Rev. 1/10)* is amended to allow applicants to more accurately describe OHV education efforts.

*Evaluation Criteria — Acquisition Project Criteria (Rev. 1/10)* is amended to revise specific scoring criteria.

*Evaluation Criteria — Development Project Criteria (Rev. 1/10)* is amended to revise specific scoring criteria.

*Evaluation Criteria — Education and Safety Criteria (Rev. 1/10)* is amended to revise specific scoring criteria.

*Evaluation Criteria — Ground Operations Project Criteria (Rev. 1/10)* is amended to revise specific scoring criteria.

*Evaluation Criteria — Planning Project Criteria (Rev. 1/10)* is amended to revise specific scoring criteria.

*Evaluation Criteria — Restoration Project Criteria (Rev. 1/10)* is amended to revise specific scoring criteria.

#### COMPARABLE FEDERAL REGULATION OR STATUTE

The proposed amendments do not duplicate or conflict with federal regulations or statutes.

#### LOCAL MANDATE DETERMINATION

The Department has determined these proposed regulation amendments do not impose a mandate on local agencies or school districts. Participation in the OHMVR Grants and Cooperative Agreements Program is voluntary.

#### DISCLOSURES/ESTIMATE OF ECONOMIC AND FISCAL IMPACT

*Fiscal Impact on Local Agencies or School Districts:* These regulations do not impose any cost on a local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4, Government Code, nor do they impose any non-discretionary cost or saving on local agencies.

*Fiscal Impact on State Government:* These regulations do not impose any cost or savings to the State or any cost or savings in federal funding to the State.

*Economic Impact on Business:* The Department has made an initial determination these regulations do not have a significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

*Cost Impacts on Representative Private Persons or Businesses:* The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

*Assessment of Effect on Jobs and Businesses:* Adoption of these regulations will not: 1) create or eliminate jobs within California, 2) create new businesses or eliminate existing businesses within California, or 3) affect the expansion of businesses currently doing business within California.

*Impact on Housing:* These regulations would not have a significant effect on housing costs.

*Determination Regarding Effect on Small Businesses:* The Department has determined there are no cost impacts on small businesses because this is a grant program for federal agencies, federally recognized Native American tribes, cities, counties, districts, State agencies, nonprofit organizations, and educational institutions.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department has determined no reasonable alternative it considered or has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed or would be as ef-

fective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Inquiries concerning the proposed action may be directed to Sixto Fernandez, Grants Manager, at (916) 324-1572 or email at [sfernandez@parks.ca.gov](mailto:sfernandez@parks.ca.gov).

The back-up contact person regarding the proposed action is Kelly Long, Grants Administrator, at (916) 324-3741 or e-mail at [kclong@parks.ca.gov](mailto:kclong@parks.ca.gov).

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an Initial Statement of Reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. Copies may be obtained by contacting Sixto Fernandez at the e-mail address listed previously. The rulemaking file, which contains all information on which the proposal is based, is located at the OHMVR Division, 1725 23<sup>rd</sup> Street, Suite 200, Sacramento, California, 95816-7100, and may be obtained upon request. Additionally, the Initial Statement of Reasons and the text of the proposed regulations and documents incorporated by reference may be obtained from the Department's website located at [www.ohv.parks.ca.gov](http://www.ohv.parks.ca.gov) at the Grants link.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any public hearings and consideration of all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes substantive modifications, which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, a copy of the Final Statement of Reasons may be obtained by contacting Sixto Fernandez at the aforementioned address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of Notice of Proposed Rulemaking, the Initial Statement of Reasons and the text of the regulations will

be available through the Division website at [www.ohv.parks.ca.gov](http://www.ohv.parks.ca.gov), under the Grants link.

### TITLE 16. CALIFORNIA ARCHITECTS BOARD

#### NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, California, at 2:00 p.m. on October 12, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office at the above address not later than October 11, 2010 at 5:00 p.m. or at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposal if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### Authority and Reference

Pursuant to the authority vested by Section 5526 of the Business and Professions Code, and to implement, interpret, or make specific Section 5550 of said Code the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations as are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Section 5550 authorizes the Board to entitle architect applicants to an examination for a license to practice architecture.

#### Amend Section 124 — California Supplemental Examination

Existing regulation specify that the California Supplemental Examination (CSE) shall consist of direct ex-

amination by an oral examination panel covering the practice of architecture. This proposal would: 1) amend the requirement that the examination be in an oral format; 2) detail the method to apply and reapply for the CSE; and 3) require a candidate who fails the examination to wait a fixed amount of time before being able to take the examination again.

#### **FISCAL IMPACT ESTIMATES**

##### **Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State**

The Board anticipates a savings in costs related to the development and administration of the California Supplemental Examination.

##### **Nondiscretionary Costs/Savings to Local Agencies**

None.

##### **Local Mandate**

None.

##### **Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Requires Reimbursement**

None.

##### **Business Impact**

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states, because it affects only architect applicants.

##### **Impact on Jobs/New Businesses**

The Board has made an initial determination that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because it affects only architect applicants.

##### **Cost Impact on Representative Private Person or Business**

The Board has made an initial determination that there will be a potential savings to a representative private person or business due to a reduction in potential travel time to examination and reduced time off work.

##### **Effect on Housing Costs**

None.

##### **Effect on Small Business**

The proposed regulatory action will not affect small businesses, because it affects only architect applicants.

#### **CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determination at the above-mentioned hearing.

#### **INITIAL STATEMENT OF REASONS AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California, 95834, or by telephoning the contact person listed below.

#### **AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

#### **CONTACT PERSON**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Attn: Timothy Rodda  
(916) 575-7217  
(916) 575-7283 (FAX)  
Timothy\_Rodda@dca.ca.gov



The backup contact person is:

Justin Sotelo  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 575-7212  
(916) 575-7283 (FAX)  
Justin\_Sotelo@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Timothy Rodda at (916) 575-7217.

**Web site Access**

Materials regarding this proposal can be found at [www.cab.ca.gov](http://www.cab.ca.gov).

**TITLE 16. DENTAL BOARD OF CALIFORNIA**

**DEPARTMENT OF CONSUMER AFFAIRS**

NOTICE IS HEREBY GIVEN that the Dental Board of California (hereinafter "Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs 1<sup>st</sup> Floor Hearing Room, 2005 Evergreen Street, Sacramento, California, at 10:00 a.m., on October 11, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on October 11, 2010 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Section 1680 of said Code, the Board is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Amend Title 16 of the California Code of Regulations, Section 1005

Business and Professions Code Section 1680(ad) requires the board to annually review and if necessary, adopt new regulations to ensure minimum standards for infection control are adequately addressing patient safety needs. The Dental Board's Infection Control Committee has reviewed the regulations for clarity of language, necessity for amendments, and consistency with other governing agencies, such as CAL-OSHA, Cal-EPA, and the Centers for Disease Control. The Dental Board of California and the Dental Hygiene Committee of California have worked together and have established a consensus on the proposed regulatory amendments to the minimum standards for infection control.

Title 16, California Code of Regulations, Section 1005, is the existing Minimum Standards for Infection Control. The Board is required by the regulation and by statute to review the standards annually. The proposed regulations revise the existing infection control regulations to conform with recent changes in the Centers for Disease Control (CDC) "Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008" and incorporates regulatory revisions made to the California Division of Occupational Safety and Health, California Code of Regulations, Title 8, Section 5193. The amendments clarify who must comply with the regulations and identify the types of items and equipment required to be used to prevent the risk of transmitting infectious diseases. The proposed regulations also incorporate the requirement of the Board to review the regulation annually with the Dental Hygiene Committee of California to establish a consensus.

**FISCAL IMPACT ESTIMATES**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement: None

Business Impact: The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Board has determined that this regulatory proposal would not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not have a significant economic impact on small businesses.

The regulatory changes proposed by the Dental Board of California (Board) clarify and reorganize the precautions and processes to be followed to promote minimum standards for infection control. These regulations are applicable to all licensees governed by the Board and the Dental Hygiene Committee of California, including dentists, dental assistants, registered dental assistants, registered dental assistants in extended functions, registered dental hygienists, registered dental hygienists in extended functions, and registered dental hygienists in advanced practice. Licensees are responsible for practicing precautions to minimize the risk of transmitting bloodborne infectious microorganisms and provide better patient safety.

Licensees are required by current regulation to comply with and enforce the minimum precautions of infection control to minimize the transmission of pathogens in health care settings. Since licensees are already responsible for compliance with the minimum standards for infection control, the proposed changes to clarify and reorganize the standards would not significantly impact the licensee's businesses.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF  
REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF  
THE FINAL STATEMENT OF REASONS  
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person, named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Sarah Wallace, Legislative and  
Regulatory Analyst  
Address: 2005 Evergreen Street,  
Suite 1550  
Sacramento, CA 95815  
Telephone No.: (916) 263-2187  
Fax No.: (916) 263-2140  
E-Mail Address: sarah.wallace@dca.ca.gov

The backup contact person is:

Name: Richard DeCuir, Executive  
Officer  
Address: 2005 Evergreen Street,  
Suite 1550  
Sacramento, CA 95815  
Telephone No.: (916) 263-2300  
Fax No.: (916) 263-2140  
E-Mail Address: richard.decuir@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Board's Web site: [www.dbc.ca.gov](http://www.dbc.ca.gov).

**TITLE 28. DEPARTMENT OF  
MANAGED HEALTH CARE**

**DATE:** August 13, 2010  
**TO:** Commenters and Interested Parties  
**FROM:** Christina Hooke  
 Senior Staff Counsel  
**SUBJECT:** Amended Notice of Second Comment  
 Period for Discount Health Plans;  
 Proposed Adoption of Article 2.5 and  
 Amendment of Article 3 in Title 28,  
 California Code of Regulations; Control  
 No. 2001–0024 (Original Notice  
 Published 1–8–2010 in Register 2010,  
 No. 2–Z)

Pursuant to Government Code section 11346.8(c) and California Code of Regulations, Title 1, section 44, the Department of Managed Health Care (Department) is making available the text of the modified regulation for Discount Health Plans, Control No. 2001–0024. The changes to the originally noticed text are denoted by double underline and strikeout.

The modified text is a result of the written comments received during the initial comment period that lasted 45 days and ended on February 22, 2010, and the oral comments received at the public hearing held on February 22, 2010. The 15–day comment period for these proposed changes that is required pursuant to Government Code section 11346.8 has been extended to 45 days to provide more time to consider these proposed changes.

**PUBLIC HEARING**

The Department has not scheduled a public hearing on the changes from the originally proposed regulation. However, any interested person, or his or her duly authorized representative, may submit a written request for a public hearing, pursuant to section 11346.8, subdivision (a), of the Government Code. The written request for hearing must be received by one of the Department’s contact persons, designated below, no later than 15 days before the close of the written comment period.

**WRITTEN COMMENT PERIOD**

The Office of Legal Services will accept written comments regarding the changes from the originally proposed regulation for 45 days after the date on which the modifications are made available. Therefore, comments must be received by the Department of Managed Health Care, Office of Legal Services, **by 5 p.m. on**

**Monday, October 11, 2010**, which is hereby designated as the close of the written comment period.

Please address all comments to the Department of Managed Health Care, Office of Legal Services, Attention: Regulations Coordinator. Comments may be transmitted by regular mail, fax, email or via the Department’s website:

Website: <http://wps0.dmhc.ca.gov/regulations/>

Email: [regulations@dmhc.ca.gov](mailto:regulations@dmhc.ca.gov)

Mail: Department of Managed Health Care  
 Office of Legal Services  
 Attn: Regulations Coordinator  
 980 9<sup>th</sup> Street, Suite 500  
 Sacramento, CA 95814

Fax: (916) 322–3968

Please note, if comments are sent via the website, email or fax, there is no need to send the same comments by mail delivery. All comments, including via the website, email, fax or mail, should include the author’s name and U.S. Postal Service mailing address so the Department may provide commenters with notice of any additional proposed changes to the regulation text.

Please identify the action by using the Department’s rulemaking title and control number, **Discount Health Plans, Control No. 2001–0024**, in any of the above inquiries.

**CONTACTS**

Inquiries concerning the proposed amendments of this regulation may be directed to:

Christina Hooke, Senior Staff Counsel  
 Department of Managed Health Care  
 Office of Legal Services  
 980 9<sup>th</sup> Street, Suite 500  
 Sacramento, CA 95814  
 Telephone: (916) 323–9605  
 Fax: (916) 322–3968  
 E–mail: [chooke@dmhc.ca.gov](mailto:chooke@dmhc.ca.gov)

The backup contact is:

Emilie Alvarez, Regulations Coordinator  
 Department of Managed Health Care  
 Office of Legal Services  
 980 9<sup>th</sup> Street, Suite 500  
 Sacramento, CA 95814  
 Telephone: (916) 445–9960  
 Fax: (916) 322–3968  
 E–mail: [ealvarez@dmhc.ca.gov](mailto:ealvarez@dmhc.ca.gov)

## AVAILABILITY OF DOCUMENTS

The Department has available for public review the Notice of Rulemaking Action, Initial Statement of Reasons, text of the originally noticed proposed regulation and all information upon which the proposed regulation is based upon (rulemaking file). This information is available by request to the Department of Managed Health Care, Office of Legal Services, 980 9<sup>th</sup> Street, Suite 500, Sacramento, CA 95814, Attention: Regulations Coordinator.

The Notice of Rulemaking Action, Initial Statement of Reasons and the proposed text of the regulation are also available on the Department's website at <http://wpsso.dmh.ca.gov/regulations/>, under the heading "Open Pending Regulations."

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to the Regulation Coordinator named above.

## TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0610-05

### NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)

#### ITEM #1 Electronic Benefit Transfer (EBT) Regulations Changes

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held October 13, 2010, as follows:

October 13, 2010  
Office Building #8  
744 P St., Room 105  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile

to the address/number listed below. All comments must be received by 5:00 p.m. on October 13, 2010.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

## CONTACT

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 8-4-192  
Sacramento, California 95814

TELEPHONE: (916) 657-2586  
FACSIMILE: (916) 654-3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

## CHAPTERS

California Department of Social Services, Manual of Policies and Procedures, Division 16, Electronic Benefit Transfer (EBT) System, Sections 16-015 (EBT Security), 16-120 (Account Aging and Expungement), 16-315 (Food Stamp Benefit Conversion), and 16-601 (Cardholder Training).

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The federal government regulates the Supplement Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program. Federal regulations provide rules to follow regarding account aging and expungement. State EBT regulations have reflected those rules in providing counties guidance on when to change account status.



Effective October 1, 2008, the Food and Nutrition Act of 2008, the federal government changed the time period for account aging. The new time periods are being updated in our EBT regulations. In addition to changing account aging time frames, the Act also de-obligated food stamp coupons as legal tender. Therefore all reference to coupons being converted to EBT benefits is being repealed in these regulations.

Significant changes in these regulations include: 1) changing the number of days before an account reaches inactive, dormant, or expunged status; and 2) removing the reference to food stamp coupons as legal tender.

#### COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact is associated with this regulation change.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact is associated with this regulation change.
4. Federal Funding to State Agencies: No fiscal impact is associated with this regulation change.

#### LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies, but not on local school districts. There are no reimbursable state-mandated costs under Section 17500 et seq. of the Government Code, because these regulations only make technical and clarifying changes.

#### STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because

these regulations are only applicable to state and county agencies.

#### ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

#### STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

#### AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10077, 10553, 10554, 18904, and 18904.1. Subject regulations implement and make specific 7 U.S.C. 2016(f)(3)(C) and (h)(12).

#### CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person:	Everardo Vaca	(916) 657-2586
Backup:	Zaid Dominguez	(916) 657-2586

### GENERAL PUBLIC INTEREST

### COURT REPORTERS BOARD OF CALIFORNIA

#### NOTICE OF CORRECTION

This amendment is to correct the day of the public hearing mentioned in the “Notice of Proposed Changes” as published in the California Regulatory No-

tice Register 2010, No. 33–Z, August 13, 2010, page 1249. Although the date of the hearing is correct as September 27th, 2010, the day of the week is Monday. The error was caught and corrected before it was posted to the Web site and sent to interested parties.

The proposed changes amend CCR Title 16, Sections 2411 and 2414 pertaining to court reporting school curriculum.

If you have any questions, please contact Paula Bruning at 263–3660 (or [Paula.Bruning@dca.ca.gov](mailto:Paula.Bruning@dca.ca.gov)) or Yvonne Fenner at 263–3660 (or [Yvonne.Fenner@dca.ca.gov](mailto:Yvonne.Fenner@dca.ca.gov)).

## DEPARTMENT OF FISH AND GAME

### CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080–2010–031–05

**Project:** Alton Parkway Extension and Baker Ranch Community Development Project

**Location:** Orange County

**Applicants:** County of Orange Public Works and Shea/Baker Ranch Associates, LLC

#### Background

The County of Orange (County) through its Department of Public Works and Shea/Baker Ranch Associates, LLC (Shea/Baker Ranch) propose to extend Alton Parkway 2.1 miles, construct a wildlife corridor, and develop 380 acres of land known as the Baker Ranch Community Development Project (Baker Ranch) for residential, retail, and commercial uses (collectively, the Project). Baker Ranch is located in Orange County within the City of Lake Forest. The extension of Alton Parkway is proposed for land located in unincorporated Orange County, within the Cities of Irvine and Lake Forest. The Alton Parkway extension as constructed will pass through a portion of the Orange County Central and Coastal Subregions Natural Community Conservation Plan (NCCP) Reserve. Baker Ranch as proposed for development is located on privately owned land adjacent to the NCCP Reserve. The wildlife corridor proposed as part of the Project is located on land formerly part of the Marine Corps Air Station at El Toro. The wildlife corridor proposed as part of the Project will connect to a regionally planned wildlife corridor.

For purposes of the Project, Alton Parkway will be extended from Irvine Boulevard to Towne Centre Drive as a six-lane divided roadway with a maximum 124-foot right-of-way. Construction of Alton Parkway extension from Irvine Boulevard to Commercentre Drive will be completed by the County as proposed in the fall of 2010. Shea/Baker Ranch will construct the

portion of the Alton Parkway extension from Commercentre Drive to Towne Centre Drive, with construction anticipated in the fall of 2010 or later.

Baker Ranch as developed will include approximately 2,100 residential units; 320,000 square feet of retail and commercial land use; and parks, trails, and related infrastructure. To protect property and infrastructure from erosion and flooding, Shea/Baker Ranch will grade and modify Borrego Wash to build a flood bypass channel. The bypass channel will convey storm flows and maintain Borrego Wash in the same location after modification. As part of the Project, Shea/Baker Ranch will also restore habitat in Borrego Wash, and the County will restore habitat restoration in the wildlife corridor and at an off-site location in Aliso Creek.

Project related ground-disturbing activities include use of grading equipment, removal of vegetation, and creation of access and haul routes. Other Project impacts include degradation of habitat from pollutants and sediment, and construction-related noise. The Project will also affect previously avoided, created, and restored natural habitat areas; and Borrego Wash hydrology and geomorphology will be altered by the Project. Human generated disturbances associated with the Project once constructed include recreation, exotic plant and animal invasion, night lighting, nuisance predators, and maintenance activities. Project construction and various activities expected to occur following Project construction will also affect wildlife movement.

The Project construction activities described above are expected to incidentally take least Bell's vireo (*Vireo bellii pusillus*) where those activities take place within Borrego Wash and its tributaries. In particular, least Bell's vireo could be incidentally taken as a result of the removal of suitable habitat, as well as through nest abandonment in areas where construction activities occur within 500 feet of suitable habitat. Alternative suitable habitat for returning least Bell's vireo will be limited on-site following Project removal of habitat. Because remaining suitable habitat will not be able to support baseline quantities of least Bell's vireo, one pair of least Bell's vireo will likely be displaced by the Project. An additional four pairs of least Bell's vireo are expected to occupy remaining habitat in the Project area and attempt nesting. Returning least Bell's vireo are likely to produce fewer fledglings as a result of Project construction noise, human disturbance, decreased foraging opportunities, and increased predation/parasitism over several seasons. Mortality of least Bell's vireo is expected with the Project because regionally unoccupied suitable habitat is not available. Least Bell's vireo is designated as an endangered species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act

(CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (a)(5)(I).)

Least Bell's vireo are documented as present at the Project site. Because of the documented presence, the species' dispersal patterns, and the presence of suitable habitat at the Project site, the United States Fish & Wildlife Service (Service) determined that least Bell's vireo is expected to be incidentally taken as a result of the Project. According to the Service, Project construction will result in impacts to 11.94 acres of least Bell's vireo breeding, foraging, and sheltering habitat.

Because the Project has the potential to take a species designated as endangered under the federal ESA, the United States Army Corps of Engineers (Corps) consulted with the Service as required by the ESA. On July 6, 2010, the Service issued a biological opinion (Service file No. FWS-OR-10B0011-08F0868) (BO) to the Corps. The BO describes the Project, requires Shea/Baker Ranch to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. The BO also requires the County to implement and adhere to measures specified in the "Department of Fish and Game California Endangered Species Act (CESA) Endowment Alternative for the Alton Parkway Project in the County of Orange" dated January 5, 2010, as included in the BO as Appendix B (Endowment Alternative).

On July 13, 2010, the Director of the Department of Fish and Game (DFG) received a notice from the County and Shea/Baker Ranch requesting a determination, pursuant to Fish and Game Code section 2080.1, that the BO and its related ITS are consistent with CESA for purposes of the Project. (Cal. Reg. Notice Register 2010, No. 31-Z, p. 1189.)

### Determination

DFG has determined that the BO, including the ITS, is consistent with CESA as to the Project because the mitigation measures contained in the BO, ITS and Endowment Alternative meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, DFG finds that: take of least Bell's vireo will be incidental to an otherwise lawful activity; the mitigation measures identified in the BO, ITS, and Endowment Alternative will minimize and fully mitigate the impacts of the authorized take; the County and Shea/Baker Ranch ensured adequate funding to implement the identified measures, and related compliance and effectiveness monitoring; and the Project will not jeopardize the continued existence of least Bell's vireo (Covered Species). The mitigation measures in the BO, ITS and Endowment Alternative include, but are not limited to, the following:

### Minimization, Mitigation, and Monitoring Measures

- Shea/Baker Ranch will revegetate 3.10 acres of riparian habitat for the Covered Species and enhance 3.13 acres of habitat for the Covered Species by removing non-native vegetation. Revegetation and enhancement will be conducted immediately following completion of grading and construction of the bypass channel in Borrego Wash. With the revegetated and enhanced habitat and other protected areas, Shea/Baker Ranch will preserve no less than 13.27 acres of Covered Species habitat on the Project site (hereafter, the Post Project Preservation Area).
- Concurrently with construction of the Alton Parkway Extension, the County will create a 10.53-acre wildlife corridor of habitat for the Covered Species. Additionally, the County will enhance 14.41 acres of riparian habitat in Aliso Creek by removing non-native vegetation. The County will initiate enhancement of habitat in Aliso Creek within 12 months of Project disturbance of Covered Species habitat.
- The County and Shea/Baker Ranch will permanently protect (via conservation easements) and manage the wildlife corridor and Post Project Preservation Area in perpetuity, for survival and to aid in the recovery of the Covered Species.
- The County and Shea/Baker Ranch will each prepare and implement a Habitat Mitigation and Monitoring Program (HMMP). Shea/Baker Ranch will also prepare and implement a Perpetual Maintenance Plan for the Post Project Preservation Area.
- The County and Shea/Baker Ranch will only conduct vegetation removal during the Covered Species' non-breeding season (September 16–March 14). Project construction activity conducted between March 15 and September 15 will comply with the implementation, monitoring, and documentation requirements in the BO (Conservation Measures 18–25).
- The County will manage increased parasitism by brown-headed cowbirds (*Molothrus ater*) by providing \$100,000 to the Nature Reserve of Orange County to manage one cowbird trap in the vicinity of the Project.
- Recreational and other human-generated disturbance will be managed by requiring control of unauthorized access, installation of fencing and natural barriers (e.g. cactus), maintenance of fencing and natural habitat, signage, and educational mailings.
- The County and Shea/Baker Ranch will manage exotic and invasive plants in perpetuity within the



wildlife corridor and Post Project Preservation Area.

- The County and Shea/Baker Ranch will maintain the presence of large carnivores to reduce predation by small predators, which are competitively advantaged under proposed land use associated with the Project. Domesticated and/or feral animals anticipated to increase in quantity will be prohibited from the Post Project Preservation Area through legally enforceable Covenants, Conditions, and Restrictions (CC&Rs).
- The County and Shea/Baker Ranch will require the use of or otherwise use shielding on light fixtures, and use on-demand lighting along multi-use trails adjacent to Borrego Wash.
- A qualified biological monitor will conduct nesting surveys, redirect construction activity when necessary and minimize disturbance to nesting birds during construction.

#### Financial Assurances

- The County will provide financial assurances as required in the BO and Endowment Alternative. The County will demonstrate perpetual funding of an alternative endowment (Pledge of Revenue) for management of the wildlife corridor, and a minimum of 10 years of enhancement and management in Aliso Creek. DFG will review all financial assurances and provide approval. The County will not initiate removal of habitat suitable for the Covered Species until final documents are received under the timelines in the BO, and DFG has provided final approval.
- The County shall provide, subject to review and approval by DFG, an Escrow Agreement for \$45,000 to serve as security. The Escrow Agreement will ensure management of the wildlife corridor and enhancement in Aliso Creek.
- The County will provide DFG with an executed construction contract demonstrating that the initial year of construction and maintenance for the wildlife corridor is funded.
- Prior to the initiation of Project activities, Shea/Baker Ranch will provide a Letter of Credit, in a form approved by DFG, in the amount of \$534,000 to serve as financial assurance for completion of the proposed restoration in Borrego Wash and the attainment of the performance criteria specified in the Shea/Baker Ranch HMMP. The final executed Letter of Credit shall be delivered to DFG.
- Shea/Baker Ranch will establish a non-wasting endowment in an amount approved by DFG to

fund the perpetual management tasks (see BO Table 1) in the Post Project Preservation Area. The non-wasting endowment will be determined by a Property Analysis Record or a similar cost estimation method. Shea/Baker Ranch will post a Letter of Credit, in a form approved by DFG, for the non-wasting endowment to secure implementation of the Perpetual Maintenance Plan for the Post Project Preservation Area. The transfer of the non-wasting endowment to the conservation easement holder will occur no less than 12 months prior to the release of Shea/Baker Ranch from its obligations under the Shea/Baker Ranch HMMP.

#### Take Avoidance Measures

- The County and Shea/Baker Ranch will conduct routine maintenance from September 16 to March 14 in compliance with BO conservation measures 9 through 17, and Appendix A, Parts 1 and 2 of the BO. Visual inspections, hand weeding/treatments of exotic plants, and emergency actions may be conducted between March 15 and September 15.
- The County and Shea/Baker Ranch will limit site disturbance for construction and access, and implement specific measures to prevent removal of habitat beyond authorized limits. Measures limiting site disturbance include installing protective fencing prior to vegetation removal, flags, orange plastic fence, stakes, and markers visible to persons on-foot and operating vehicles. Measures limiting site disturbance will be used to identify avoidance areas prior to vegetation removal and during construction.
- The County and Shea/Baker Ranch will restrict equipment maintenance, staging, and fluid dispensing areas to designated locations outside of riparian or wetlands areas; and ensure that any spills do not discharge to riparian or wetland areas.
- The County and Shea/Baker Ranch will train construction crews on Covered Species issues and protocols for addressing Covered Species that are found within the Project site during construction.

#### Notification and Reporting

- Construction monitoring reports will be submitted monthly to DFG and the Service for activities conducted between September 16 and March 14.
- Construction monitoring reports will be submitted weekly to DFG and the Service for construction activities conducted between March 15 and September 15.
- The County and Shea/Baker Ranch will immediately report any incidental take of Covered Species to DFG and the Service.



- Annual monitoring reports will be provided to DFG and the Service for restoration of Covered Species habitat as required by the BO, County HMMP, Shea/Baker Ranch HMMP, and Perpetual Management Plan. The reports will include photo documentation of all Covered Species habitat pre- and post-construction.

#### Requested Notifications and Reports

- The BO's Reasonable and Prudent Measures require the County and Shea/Baker Ranch to submit monitoring reports to the Service on the level of incidental take and effectiveness of the Project's minimization measures. Although not a conservation measure implemented as part of the Project, DFG requests that the County and Shea/Baker Ranch also provide copies of the monitoring reports to DFG. The reports should include dates vegetation removal occurred, quantity and area of vegetation removed, level of take observed, and the success of the Project's minimization measures. Reports should be sent to the Department of Fish and Game, South Coast Region, located at 4949 Viewridge Avenue, in San Diego, California, at 92123.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA is not required for the Project for incidental take of least Bell's vireo, provided the County and Shea/Baker Ranch implement the Project as described in the BO, including adherence to all measures contained therein, and comply with the mitigation measures and other conditions described in the BO, ITS, and Endowment Alternative. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO and ITS, the County and Shea/Baker Ranch shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from DFG. (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c).)

## DEPARTMENT OF FISH AND GAME

### Department of Fish and Game — Public Interest Notice

For Publication August 27, 2010  
CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Dutton Community School Project  
Sonoma County  
2080-2010-043-03

The Department of Fish and Game (Department) received a notice on August 11, 2010 that the Sonoma

County Office of Education (SCOE) proposes to rely on a Section 10(a)(1)(B) Incidental Take Permit to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The action involves construction of a new community school on 4.42 acres in Santa Rosa, Sonoma County (Project).

Project activities will result in the permanent loss of 4.13 acres of California tiger salamander (*Ambystoma californiense*) upland habitat, and permanent loss of 0.07 acres of California tiger salamander breeding habitat and Sebastopol meadowfoam (*Limnathese viniculans*) habitat. The project could also result in direct mortality of individual California tiger salamanders and Sebastopol meadowfoam. The U.S. Fish and Wildlife Service (Service) issued an intra-Service "no jeopardy" biological opinion (81420-2008-F-1639)(BO) and incidental take statement (ITS) on August 12, 2008 which considered the effects of the project on the Federally and State threatened California tiger salamander, and the Federally and State endangered Sebastopol meadowfoam.

Pursuant to California Fish and Game Code Section 2080.1, SCOE is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, SCOE will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

## DEPARTMENT OF FISH AND GAME

### CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NO. 2080-2010-033-03

**Project:** New Irvington Tunnel Project  
**Location:** The project is located approximately 1.5 miles south of Interstate 680 and just west of Calaveras Road between Mission Boulevard in the City of Fremont and the Sunol Valley, in Alameda County  
**Applicant:** San Francisco Public Utilities Commission (SFPUC)  
**Notifier:** Jonathan Mates-Muchin

#### **Background**

The San Francisco Public Utilities Commission (SFPUC) proposes to construct a new water transmission tunnel and associated facilities. The New Irvington Tunnel Project (Project) includes construction and operation of a new 3.5-mile water transmission tunnel, new tunnel portal structures and associated facilities at

each end of the tunnel. The Project is part of the SFPUC's Water System Improvement Program (WSIP) and is located along the Hetch-Hetchy Aqueduct Right of Way (ROW) between Mission Boulevard in the City of Fremont and the Sunol Valley, in Alameda County.

The new water conveyance tunnel and facilities will be located adjacent to the existing Irvington Tunnel facilities. The new tunnel will approximately parallel the SFPUC's existing Irvington Tunnel and provide a redundant regional connection between the SFPUC's Alameda Siphons and Coast Range Tunnel (water pipelines) to the east in the Sunol Valley and the Bay Division Pipelines (BDPLs) system to the west in Fremont. Surface activities associated with project construction will be conducted primarily on SFPUC property; a few of the temporary construction staging areas may be established on private property with landowner approval. The temporary Vargas and Sheridan Valley work areas will be located along the new tunnel alignment.

Project construction was estimated to begin in spring 2010 and be completed in summer 2013. Work at the Alameda West Portal and Vargas work areas is expected to take 3.5 years. Work at the Irvington Portal is expected to be complete within 2.5 years. Work at the Sheridan work area is expected to take between 6 months and 1 year.

#### *New Tunnel*

Tunnel excavation will use conventional methods including roadheaders, excavators, and controlled detonation. Tunneling will proceed in multiple directions. From the Alameda West Portal, tunneling will progress west toward the Vargas work area. From the Irvington Portal tunneling will proceed east towards the Vargas work area. At the Vargas work area tunneling will proceed in both directions towards the Alameda West Portal to the east and the Irvington Portal to the west. Tunneling at the Vargas work area will be accessed from a temporary tunnel shaft referred to as the Vargas shaft.

#### *Alameda West Portal*

SFPUC will use the Alameda West Portal as the main staging area for tunneling and will excavate and grade the toe of the adjacent hillside to provide adequate access for tunneling activities and to install the new tunnel portal. Spoils from excavation and grading at the Alameda West Portal will be temporarily stored in one of the staging areas, and will be returned to site after construction for site restoration. A permanent 12-foot-wide by 100-foot long gravel access road will be constructed across the hillside to the existing portal access road.

#### *Temporary Infrastructure, Access and Staging*

Within the staging areas, temporary facilities to support construction will be needed. These facilities include water treatment facilities to collect, store, treat

and discharge groundwater encountered during tunneling, temporary concrete batch plant and mixing and pumping plant, temporary power substation poles and equipment, tunnel ventilation system equipment, material storage warehouses and maintenance shops, construction management offices, employee parking, restrooms, and change rooms.

Access to the Irvington Portal work area will be from a combination of temporary and permanent access roads. An existing access road off of Mission Blvd. will be permanently widened from 14- to 25-foot-wide. In addition a 28-foot-wide temporary access road will be graded from Mission Blvd. along the existing BDPL No. 1 and 2 ROW and a temporary 14-foot-wide access road will be graded along the existing BDPL No. 3 and 4 ROW. Temporary driveways will be constructed for access from the temporary roads to Mission Blvd. At the Irvington Portal a temporary sound wall will be constructed due to the proximity to residential neighborhoods and the intensity of sound from construction.

#### *New Pipelines*

A new buried manifold pipe and pipeline will be installed using cut and cover construction to connect the new tunnel to the existing BDPLs. A new 5-foot-diameter overflow shaft and associated discharge piping will be plumbed into the existing tunnel discharge pipe using cut and cover trenching. Construction of the new overflow shaft will require improvements by extending an existing access road by approximately 100 feet. The new road will include cutting the hillside near the Alameda West Portal and installing an approximately 25 ft. tall by 30 ft. long retaining wall. Numerous trees will be removed from construction associated with the new road.

#### *Spoils and Spoils Management*

Large quantities of spoils will be generated by the Project. Some of the spoils will be permanently placed on-site to establish staging areas, establish level work areas, backfill excavations and foundations, and restore preconstruction contours. Spoils not used for these purposes will be hauled to the Spoils Site North or Spoils Site South. Spoils Site North is located immediately west of Calaveras Road and east of an active aggregate mine, approximately 0.1 mile south of I-680. The Spoils Site South is currently a commercial nursery site located immediately west of Calaveras Road and east of an active aggregate mine, approximately 1.1 miles south of I-680. Spoils will be placed up to a height of 25 feet above Calaveras Road at Spoils Site North and up to a height of 4 feet above Calaveras Road at Spoils Site South. Estimated quantities of total spoils generated will be less than 400,000 cubic yards. After spoils are placed, the piles will be seeded with a native grass mix.

The activities described above are expected to incidentally take California tiger salamander (*Ambystoma californiense*, CTS) and Alameda whipsnake (*Masticophis lateralis euryxanthus*, AWS) where construction activities will disturb upland (foraging, dispersal, aestivation) habitat, particularly at the Alameda West Portal, Irvington Portal, Vargas, and Sheridan Valley work areas and along access routes to those areas. In particular, AWS and CTS could be incidentally taken as a result of crushing by equipment and/or vehicles, entombment in burrows from grading and excavation, disease, stress and injury from handling and relocation, and impediment of travel to resources.

SFPUC has been conducting an investigation of groundwater-dependent resources since 2008 within an area identified as the groundwater study area. Within the groundwater study area, suitable breeding habitat for CTS is present within a number of ponds, one spring, portions of Vargas and Pirate Creeks, portions of one tributary (UT3), and possibly portions of other tributaries not surveyed. Since installation of the tunnel will include groundwater dewatering, there is potential for aquatic features to be impacted by the project.

The presence of CTS has been documented at three locations in the groundwater study area approximately 0.25–0.3 mile from the Project area and there is suitable upland CTS habitat within and adjacent to the Project area. The presence of AWS has been documented approximately 3.5 miles from the Project area and there is suitable upland AWS habitat within and adjacent to the Project area. Because of the proximity of the nearest documented AWS and CTS, dispersal patterns of AWS and CTS, and the presence of suitable AWS and CTS habitat within the Project area, the U.S. Fish and Wildlife Service (Service) determined AWS and CTS are reasonably certain to occur within the Project area and are expected to be incidentally taken as a result of Project activities.

CTS is designated as a threatened species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and is designated as a candidate species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). CTS will be designated as a threatened species effective August 19, 2010. (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).) AWS is designated as a threatened species under the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(4)(D).)

Construction of the Project will result in the temporary loss of 1.7 acres of upland AWS and CTS habitat. Construction of the Project will also result in the long-term temporary loss of 52.32 acres of upland AWS and

CTS habitat, which includes 28.41 acres of high quality upland AWS and CTS habitat, and 23.91 acres of suitable upland AWS and CTS habitat, totaling 52.32 acres of long-temporary habitat loss which the California Department of Fish and Game (DFG) is considering permanent habitat loss due to the duration and intensity of work. Construction of the Project will also result in the permanent loss of 2.6 acres of upland AWS and CTS upland habitat, totaling 54.92 acres of permanent habitat loss.

Because the Project has the potential to take species listed under the ESA, the United States Army Corps of Engineers (USACE) consulted with the Service as required by the ESA. On June 9, 2010, the Service issued a biological opinion (Service file No. 81420–2009–F–1105–1) (BO) to the USACE. The BO describes the Project actions, requires SFPUC to comply with terms of the BO and its incidental take statement, and incorporates additional measures.

Because CTS and AWS are also respectively designated as candidate and threatened species pursuant to CESA, on July 14, 2010, Jonathan Mates–Muchin, on behalf of SFPUC, notified the Director of DFG that SFPUC was requesting a determination, pursuant to Fish and Game Code section 2080.1, that the BO and its related incidental take statement (ITS) are consistent with CESA for purposes of the Project.

#### **Determination**

DFG has determined that the BO, including the ITS, is consistent with CESA as to the Project because the mitigation measures contained in the BO and ITS meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, DFG finds that: take of AWS and CTS will be incidental to an otherwise lawful activity; the mitigation measures identified in the BO and ITS will minimize and fully mitigate the impacts of the authorized take; and construction of the Project will not jeopardize the continued existence of AWS and CTS. The mitigation measures in the BO and ITS include, but are not limited to, the following:

#### **Minimization, Mitigation and Monitoring Measures**

- SFPUC will compensate for effects to 56.62 acres of AWS and CTS upland habitat by either preserving and managing 143 acres of DFG and Service approved Habitat Management Lands (HM Lands) for AWS and CTS in perpetuity, or by purchasing 143 acres of AWS and CTS upland habitat credits at a DFG and Service approved conservation bank. If SFPUC elects to preserve and manage the 143 acres of HM Lands, a conservation easement must be established and held by DFG or an entity approved by DFG, and a



Property Analysis Record or equivalent analysis must be conducted to determine the appropriate endowment amount to fund in perpetuity management of the HMLands. Compensation will be in place before initiating ground- or vegetation-disturbing Project activities unless SFPUC provides a financial security and subsequently provides compensation within 18 months of initiating ground- or vegetation-disturbing Project activities.

- SFPUC will prepare and implement a Vegetation Restoration Plan to restore 54.02 acres of on-site habitat for AWS and CTS that will be temporarily disturbed from Project activities to pre-project or better conditions. The restored area will be monitored for 5 years.
- If a listed species is found on the Project site, all work nearby shall cease and an escape route shall be provided to the listed species such that the listed species can leave the work area on its own volition. If providing an escape route is not possible or successful, the Service-approved Biologist shall be contacted to relocate the listed species outside of the work area. If the Service-approved Biologist is unable to relocate the listed species outside of the work area, the Service-approved Biologist shall consult the Service and DFG immediately for instruction on how to proceed.
- A Service and DFG-approved biologist will be present to monitor the Project area for AWS and CTS at the beginning of each workday (before work begins), during initial ground disturbance (including grading, excavation, and vegetation removal activities) initial spoils deposition, and during rain events. A rain event is defined to occur if there is a 30 percent chance or greater of rain. During a rain event, the Service and DFG-approved biologist will be on-site during and for three days after the rain.

#### Financial Assurances

- Compensation will be provided before initiating ground- or vegetation-disturbing Project activities unless SFPUC provides a financial security of \$2,694,000 to DFG, in a form approved by DFG's Office of the General Counsel, for DFG to draw on the principal sum if DFG, at its sole discretion, determines that SFPUC has failed to comply with the BO. The financial security amount consists of \$120,000 for on-site restoration of temporary effects to AWS and CTS habitat, and \$2,547,000 for acquisition, protection, and management of 143 acres of AWS and CTS habitat in perpetuity. If compensation is not in place before initiating ground- or vegetation-disturbing Project activities,

and a financial security is provided, compensation will be put in place within 18 months of initiating ground- or vegetation- disturbing Project activities.

#### Take Avoidance Measures

- A Groundwater Management Plan will be prepared to monitor CTS aquatic habitat for dewatering due to tunneling activities, provide supplemental water to CTS aquatic habitat if necessary, and possibly relocate CTS. The Groundwater Management Plan will include post-construction monitoring, restoration, and compensation to be implemented if necessary.
- SFPUC or its contractors will install temporary exclusion fencing along the work area boundaries (including access roads, staging areas, etc.) where suitable AWS and CTS habitat is present. The fence will include one-way funnels to allow listed species to escape if they become trapped within the work site. All fencing will be inspected and maintained for the duration of Project activities.
- Preconstruction surveys will be conducted in the Project area for AWS and CTS. Small mammal burrow areas will be temporarily fenced and avoided to the extent feasible. At locations where small mammal burrows are identified and cannot be avoided, burrows will be examined with a burrow scope. If the small mammal burrow is clear of AWS and CTS it will be excavated and collapsed prior to construction. If a burrow is occupied, the individual animal will be relocated by a Service and DFG-approved biologist. If the end of the burrow cannot be reached, an opening will be left such that any undetected animals do not become trapped.
- Biological resource awareness training will be required for all Project personnel.

#### Notification and Reporting

- The Service and DFG will be notified within one working day of the finding of any injured or dead AWS or CTS. Injured AWS or CTS will be cared for by a licensed veterinarian or other qualified person such as the Service and DFG approved biologist.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA will not be required for incidental take of AWS and CTS for the Project, provided SFPUC implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the BO and ITS, SFPUC



will be required to obtain a new consistency determination or a CESA incidental take permit from DFG (see generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)).

## CALIFORNIA DEPARTMENT OF PUBLIC HEALTH

**TITLE:** PREVENTIVE HEALTH AND  
HEALTH SERVICES BLOCK GRANT  
(STATE PLAN) FOR FEDERAL FISCAL YEAR (FFY) 2011

**ACTION:** NOTICE OF HEARINGS FOR  
PROPOSED FUNDINGS

### SUBJECT

The Centers for Disease Control and Prevention has made funds available to the California Department of Public Health (CDPH) for the development and implementation of programs and activities to decrease the morbidity and mortality that results from preventable disease and injury. The purpose of this hearing is to discuss and receive comments on the State's recommendations for the use of these funds during State Fiscal Year 2010–2011 (FFY 2011).

### PUBLIC HEARING PROCESS

Notice is hereby given that CDPH will hold a public hearing commencing at 10:00 a.m. on Monday, October 11, 2010 in Room 74.463 (Kings Room) 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The Chronic Disease Control Branch, CDPH, 1616 Capitol Avenue, MS 7209, P.O. Box 997377, Sacramento, CA., 95899–7377 must receive any written statements or arguments by 5:00 p.m. October 26, 2009 which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate.

### CONTACT

Inquiries concerning the action described in this notice may be directed to Ms. Marcia Levy Rosenstein, Retired Annuitant, Prevention 2010 Section, or Caroline Peck, M.D., Chief, Chronic Disease Control Branch, CDPH, at (916) 552–9900 or at [Marcia.Rosenstein@cdph.ca.gov](mailto:Marcia.Rosenstein@cdph.ca.gov). In any such inquiries, please identify the action by using the Department Control letters “PHHSBG.”

### AVAILABILITY OF INFORMATION FOR REVIEW

The State Plan will be available for review at 1616 Capitol Avenue, Sacramento, California, from 8:00 a.m. to 5:00 p.m., August 27, 2010 through October 11, 2010.

## DEPARTMENT OF SOCIAL SERVICES

### NOTICE TO INTERESTED PARTIES

The California Department of Social Services (CDSS) is required by federal law to submit an updated State Plan for the Temporary Assistance to Needy Families program to the Administration for Families and Children. Notice is hereby given that a copy of California's proposed updated plan is available upon request for public review and comment.

Copies of the proposed State Plan are available from the office listed below. Comments relating to the proposed plan may be submitted in writing to the address/number listed below. All comments must be received no later than October 11, 2010.

### CONTACT

Mr. Owen Stewart  
CalWORKs Eligibility Bureau  
TANF State Plan Recertification  
744 P St., MS 08–31  
Sacramento, CA 95814  
(916) 654–1068

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653–7715. Please have the agency name and the date filed (see below) when making a request.

File# 2010–0730–02  
AIR RESOURCES BOARD  
Enhanced Fleet Modernization Program (Car Scrap)

This is the resubmission of an action that implements the Enhanced Fleet Modernization Program (“EFMP”), encouraging the voluntary retirement of older passenger automobiles and light and medium duty trucks to help lessen the air pollution that results from their operation.

Title 13  
California Code of Regulations  
ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630  
Filed 08/12/2010  
Effective 08/12/2010  
Agency Contact: Trini Balcazar (916) 445-9564

File# 2010-0702-03  
**BOARD OF FORESTRY AND FIRE PROTECTION**  
Fire Tools Civil Penalties, 2009

This regulatory action amends three sections in Title 14 of the California Code of Regulations. The purpose of these amendments is to allow civil penalties enforcement actions available to the Department of Forestry and Fire Protection to be applied to violations of the fire tool laws found in the Public Resources Code.

Title 14  
California Code of Regulations  
AMEND: 918, 938, 958  
Filed 08/16/2010  
Effective 01/01/2011  
Agency Contact: Christopher Zimny (916) 653-9418

File# 2010-0702-04  
**BOARD OF FORESTRY AND FIRE PROTECTION**  
Coho Incidental Take Permit Repeal, 2010

The California Board of Forestry and Fire Protection proposed to amend sections 895.1, 916.9 [936.9, 956.9], and 923.9 [943.9, 963.9] and repeal sections 916.9.1 [936.9.1], 916.9.2 [936.9.2], 916.11.1 [936.11.1], 923.9.1 [943.9.1], and 923.9.2 [943.9.2] of Title 14 of the California Code of Regulations as changes without regulatory effect not subject to the rulemaking requirements of the Administrative Procedures Act following a Superior Court order vacating sections 916.9.2, 923.9.2, 936.9.2, and 943.9.2. On August 11, 2010 the Office of Administrative Law approved amendments to sections 895.1, 916.9 [936.9, 956.9], and 923.9 [943.9, 963.9] and the repeal of sections 916.9.1 [936.9.1], 916.9.2 [936.9.2], and 923.9.2 [943.9.2] of Title 14 of the California Code of Regulations.

Title 14  
California Code of Regulations  
AMEND: 895.1, 916.9, 936.9, 956.9, 923.9, 943.9, 963.9 REPEAL: 916.9.1, 936.9.1, 916.9.2, 936.9.2, 923.9.2, 943.9.2  
Filed 08/11/2010  
Agency Contact: Christopher Zimny (916) 653-9418

File# 2010-0709-01  
**BOARD OF PHARMACY**  
Dishonest Conduct on a Pharmacist Licensure Exam/Confidentiality

This action strengthens existing penalties for engaging in dishonest conduct during a pharmacist licensure examination by 1) increasing the period of time that an applicant for examination as a pharmacist is not approved to take the examination from one year to three years from the date of the incident, and 2) requiring surrender of any pharmacist intern license during that three year period of ineligibility.

Title 16  
California Code of Regulations  
AMEND: 1721, 1723.1  
Filed 08/18/2010  
Effective 09/17/2010  
Agency Contact: Carolyn Klein (916) 574-7913

File# 2010-0701-05  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
Application, Re-Examination, and Dishonored Check Fees

This rulemaking amends sections 2537 and 2590 in Title 16 of the California Code of Regulations to increase the application and re-examination fees to the statutory maximum. This rulemaking also increases the dishonored check fees.

Title 16  
California Code of Regulations  
AMEND: 2537, 2590  
Filed 08/12/2010  
Effective 10/01/2010  
Agency Contact: Linda Ruyters (916) 263-7845

File# 2010-0702-02  
**CALIFORNIA HORSE RACING BOARD**  
Safety Helmets Required

This action amends existing provisions governing safety helmets to require their use by any person mounted on a horse on a racetrack and any member of the gate crew. The amendments define “racetrack” and “gate crew” for purposes of the regulation.

Title 4  
California Code of Regulations  
AMEND: 1689  
Filed 08/16/2010  
Effective 09/15/2010  
Agency Contact: Colleen Germek (916) 274-6049

File# 2010-0702-01  
DEPARTMENT OF BOATING AND WATERWAYS  
Unseaworthy Vessels

The Department of Boating and Waterways submitted this rulemaking action to amend title 14, California Code of Regulations, section 6550.5, which pertains to operating vessels on waters under California jurisdiction. Violation of existing section 6550.5 safety conditions can result in peace officers or harbor police ordering the vessel moved to shore or to safe mooring or anchorage. The amendments to section 6550.5 add a new classification of vessels that, as defined, are in unseaworthy condition. Violation of any of the new criteria that makes a vessel unseaworthy provides peace officers and harbor police additional enforcement authority to issue citations, terminate a voyage, and order a vessel removed from the water.

Title 14  
California Code of Regulations  
AMEND: 6550.5  
Filed 08/12/2010  
Effective 09/11/2010  
Agency Contact: Mike Sotelo (916) 263-0787

File# 2010-0701-03  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
Continuous Electronic Monitoring/GPS

This Certificate of Compliance makes permanent the prior emergency regulatory action (OAL file no. 2010-0125-02EON), submitted to OAL pursuant to Penal Code section 5058.3 as operationally necessary, deals with the use of continuous electronic monitoring and Global Positioning System (GPS) technology for parolees who have been identified as requiring a higher level of supervision.

Title 15  
California Code of Regulations  
ADOPT: 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3560, 3561, 3562, 3563, 3564, 3565  
Filed 08/13/2010  
Agency Contact: Randy Marshall (916) 255-5785

File# 2010-0701-04  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
Dental Services

This change with no regulatory effect replaces the current mention of the "dental officer" or "chief dentist" as the identifying title of the official in charge of dental services at any correctional facility with the new term "supervising dentist" in five sections of the department's regulations and adds the new term "supervising dentist" to another section that lists departmental job classifications.

Title 15  
California Code of Regulations  
AMEND: 3350.2, 3352.2, 3356, 3358, 3390  
Filed 08/11/2010  
Agency Contact: Gail Long (916) 341-7329

File# 2010-0816-01  
DEPARTMENT OF FOOD AND AGRICULTURE  
European Grapevine Moth Interior Quarantine

The Department of Food and Agriculture submitted this emergency regulatory action to amend title 3, California Code of Regulations, section 3437(b). The action establishes a new quarantine area for the European Grapevine Moth (EGVM), *Lobesia botrana*, in San Joaquin County of approximately 96 square miles, for a total of approximately 1,995 square miles statewide. It is immediately necessary to implement quarantine actions in order to prevent the artificial spread of EGVM to uninfested areas of California.

Title 3  
California Code of Regulations  
AMEND: 3437  
Filed 08/17/2010  
Effective 08/17/2010  
Agency Contact:  
Susan McCarthy (916) 654-1017

File# 2010-0813-04  
DEPARTMENT OF FOOD AND AGRICULTURE  
Melon Fruit Fly Interior Quarantine

This emergency regulatory action will establish the quarantine area for the Melon fruit fly, *Bactrocera cucurbitae*, in the Bakersfield area of Kern County. It is immediately necessary to implement quarantine actions in order to prevent the artificial spread of the Melon fruit fly to the uninfested areas of California. This emergency action will establish approximately 82 square miles as the area under quarantine for the Melon fruit fly statewide. The amendment will also update the existing host list and correct the nomenclature for some existing hosts.

**Title 3**

California Code of Regulations

AMEND: 3425(b) and (c)

Filed 08/16/2010

Effective 08/16/2010

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2010-0805-01

DEPARTMENT OF FOOD AND AGRICULTURE

European Grapevine Moth Interior Quarantine

This emergency regulatory action will expand the quarantine areas for the European Grapevine Moth (EGVM), *Lobesia botrana*, into the Santa Rosa area of Sonoma County. It is immediately necessary to implement quarantine actions in order to prevent the artificial spread of EGVM to the uninfested areas of California. This emergency action will expand the existing regulated area of Sonoma County by approximately 28 square miles, for a total of approximately 1,899 square miles statewide.

**Title 3**

California Code of Regulations

AMEND: 3437

Filed 08/11/2010

Effective 08/11/2010

Agency Contact:

Susan McCarthy (916) 654-1017

File# 2010-0812-01

DEPARTMENT OF FOOD AND AGRICULTURE

Melon Fruit Fly Eradication Area

This emergency regulatory action will proclaim Kern County as an eradication area for the Melon Fruit Fly (MFF), *Bactrocera cucurbitae*, and modify the existing host list for the fly. Since the MFF is an incredibly destructive pest which has never before been detected in Kern County, it is immediately necessary to expand the eradication area (which currently covers only Los Angeles County) to include Kern County. The host list is being modified in an effort to harmonize the CDFA and United States Department of Agriculture lists regarding this insect.

**Title 3**

California Code of Regulations

AMEND: 3591.15(a) and (b)

Filed 08/13/2010

Effective 08/13/2010

Agency Contact:

Stephen S. Brown (916) 654-1017

File# 2010-0714-02

FAIR POLITICAL PRACTICES COMMISSION

Public Generally

This change without regulatory effect makes a non-substantive revision to the FPPC's regulation that establishes steps for a public official to take in assessing whether the financial effect of a decision on that official's interests is indistinguishable from the effect the decision would have on the public generally.

**Title 2**

California Code of Regulations

AMEND: 18707

Filed 08/13/2010

Effective 08/13/2010

Agency Contact:

Virginia Latteri-Lopez (916) 324-3854

File# 2010-0727-01

OCCUPATIONAL SAFETY AND HEALTH

STANDARDS BOARD

Definitions

This change without regulatory effect corrects a typographical error.

**Title 8**

California Code of Regulations

AMEND: 4885

Filed 08/17/2010

Agency Contact: Marley Hart (916) 274-5721

File# 2010-0707-01

STATE PERSONNEL BOARD

Hearings and Appeals Regulations

This regulatory action establishes a comprehensive scheme of the legal processes for all hearings and appeals before the SPB in order to reflect current practice.

**Title 2**

California Code of Regulations

ADOPT: 51.3, 52.1, 52.2, 52.3, 52.5, 52.8, 52.10, 53.1, 53.2, 53.3, 53.4, 54.1, 55.1, 56.1, 56.2, 56.3, 56.4, 57.1, 57.2, 58.1, 58.2, 58.6, 58.7, 58.9, 58.10, 58.11, 59.2, 59.3, 59.4, 60.1, 63.1, 64.1, 64.2, 64.3, 64.4, 64.5, 64.6 AMEND: 51 (renumbered to 51.1), 51.1 (renumbered to 51.2), 51.2 (renumbered to 52.4), 52.3 (renumbered to 52.6), 51.9 (renumbered to 52.7), 51.5 (renumbered to 52.9), 52.6 (renumbered to 55.2), 52.2 (renumbered to 58.3), 51.4 (renumbered to 58.4), 52.1 (renumbered to 58.5), 57.2 (renumbered to 59.1), 52.5 (renumbered to 60.2), 57.3 (renumbered to 60.3), 53.1 (renumbered to 66.1), 56 (renumbered to 67.1), 56.1 (renumbered to 67.2), 56.2 (renumbered to 67.3), 56.3 (renumbered to 67.4), 56.4 (renumbered to 67.5), 56.5 (renumbered to 67.6), 56.6 (renumbered to 67.7), 56.7 (re-



numbered to 67.8) REPEAL: 51.3, 52, 52.4, 53, 53.2, 54, 54.2, 56.8, 57.1, 57.4, 60, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7, 60.8, 60.9, 60.10, 65, 547, 547.1  
 Filed 08/18/2010  
 Effective 08/18/2010  
 Agency Contact: John D. Smith (916) 651-1041

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN March 17, 2010 TO  
 August 18, 2010**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

08/18/10 ADOPT: 51.3, 52.1, 52.2, 52.3, 52.5, 52.8, 52.10, 53.1, 53.2, 53.3, 53.4, 54.1, 55.1, 56.1, 56.2, 56.3, 56.4, 57.1, 57.2, 58.1, 58.2, 58.6, 58.7, 58.9, 58.10, 58.11, 59.2, 59.3, 59.4, 60.1, 63.1, 64.1, 64.2, 64.3, 64.4, 64.5, 64.6 AMEND: 51 (renumbered to 51.1), 51.1 (renumbered to 51.2), 51.2 (renumbered to 52.4), 52.3 (renumbered to 52.6), 51.9 (renumbered to 52.7), 51.5 (renumbered to 52.9), 52.6 (renumbered to 55.2), 52.2 (renumbered to 58.3), 51.4 (renumbered to 58.4), 52.1 (renumbered to 58.5), 57.2 (renumbered to 59.1), 52.5 (renumbered to 60.2), 57.3 (renumbered to 60.3), 53.1 (renumbered to 66.1), 56 (renumbered to 67.1), 56.1 (renumbered to 67.2), 56.2 (renumbered to 67.3), 56.3 (renumbered to 67.4), 56.4 (renumbered to 67.5), 56.5 (renumbered to 67.6), 56.6 (renumbered to 67.7), 56.7 (renumbered to 67.8) REPEAL: 51.3, 52, 52.4, 53, 53.2, 54, 54.2, 56.8, 57.1, 57.4, 60, 60.1, 60.2, 60.3, 60.4, 60.5, 60.6, 60.7, 60.8, 60.9, 60.10, 65, 547, 547.1  
 08/13/10 AMEND: 18707  
 07/08/10 AMEND: 18313.5(c)  
 07/06/10 AMEND: 51000  
 07/01/10 AMEND: 1859.90.1  
 06/24/10 ADOPT: 1859.90.1 AMEND: 1859.90.1 renumbered as 1859.90.2, 1859.129, 1859.197  
 06/24/10 AMEND: 47000, 47001, 47002

06/23/10 AMEND: 1859.184  
 06/17/10 AMEND: 18703.3  
 06/17/10 ADOPT: 18313.5  
 06/09/10 AMEND: Div. 8, Ch. 64, Sec. 55300  
 05/25/10 AMEND: div. 8, ch. 65, sec. 55400  
 05/11/10 AMEND: 18945  
 05/06/10 AMEND: 1859.2  
 05/03/10 AMEND: 60040, 60045  
 04/21/10 AMEND: 1859.96, 1859.148.2, 1859.166.2  
 04/08/10 AMEND: 1859.76  
 03/23/10 AMEND: 18351  
 03/19/10 ADOPT: 59670  
 03/19/10 AMEND: 18942 REPEAL: 18630

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08/17/10 AMEND: 3437  
 08/16/10 AMEND: 3425(b) and (c)  
 08/13/10 AMEND: 3591.15(a) and (b)  
 08/11/10 AMEND: 3437  
 08/05/10 AMEND: 3423(b)  
 07/26/10 AMEND: 3435(c)  
 07/20/10 AMEND: 3437  
 07/16/10 AMEND: 3434(b) and (c)  
 07/13/10 AMEND: 3591.20(a)  
 07/07/10 ADOPT: 3591.24  
 07/01/10 AMEND: 3437  
 06/30/10 AMEND: 3423(b)  
 06/18/10 AMEND: 6448, 6448.1, 6449, 6449.1, 6450, 6450.1, 6450.2, 6451, 6451.1  
 06/10/10 ADOPT: 429, 430 AMEND: 441  
 06/10/10 ADOPT: 3024.5, 3024.6, 3024.7, and 3024.8 AMEND: 3024, 3024.1, 3024.2, 3024.3, 3024.4, and 4603  
 06/09/10 AMEND: 3434(b), (c), (d), and (e)  
 06/07/10 AMEND: 4500  
 06/02/10 AMEND: 3435  
 06/01/10 AMEND: 3437(b)  
 05/24/10 AMEND: 3434(b)  
 05/17/10 AMEND: 3591.5(a)  
 05/17/10 ADOPT: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8 AMEND: 3407(e), 3407(f) REPEAL: 3000, 3001, 3002, 3003, 3004  
 05/13/10 AMEND: 3437  
 05/04/10 AMEND: 3423(b)  
 05/04/10 AMEND: 3437(b)  
 05/04/10 AMEND: 3434(b)  
 05/03/10 AMEND: 3434(b), 3434(c) and 3434(d)  
 04/22/10 AMEND: 3434(b)  
 04/22/10 AMEND: 3406(b), 3406(c)  
 04/20/10 AMEND: 3437(b)  
 04/15/10 AMEND: 3434(b)  
 04/05/10 AMEND: 3434(b)  
 03/24/10 ADOPT: 3436

03/24/10	AMEND: 3588	<b>Title 5</b>	08/09/10	ADOPT: 30010, 30011, 30012, 30013, 30014, 30015, 30016, 30017, 30018, 30019, 30034, 30035, 30036, 30037, 30038, 30039, 30040, 30041, 30042, 30043, 30044, 30045, 30046 AMEND: 30000, 30001, 30002, 30005, 30020, 30021, 30022, 30023, 30030, 30032, 30033
03/17/10	AMEND: 3423(b)			
<b>Title 4</b>				
08/16/10	AMEND: 1689			
07/29/10	ADOPT: 5170, 5180, 5181, 5182, 5183, 5190, 5191, 5192, 5193, 5194, 5200, 5210, 5211, 5212, 5220, 5230, 5231, 5232, 5240, 5250, 5260, 5265, 5266, 5267, 5268, 5269, 5270, 5275, 5280, 5281, 5282, 5283, 5290, 5291, 5300, 5310, 5311, 5312, 5313, 5314, 5315, 5320, 5321, 5330, 5340, 5350, 5360, 5370, 5371, 5372, 5380, 5381, 5382, 5383, 5384, 5400, 5410, 5411, 5420, 5421, 5422, 5423, 5430, 5431, 5432, 5433, 5434, 5435, 5440, 5450, 5460, 5461, 5470, 5560, 5570, 5571, 5572, 5573, 5580, 5590		08/02/10	ADOPT: 4700, 4701, 4702
07/22/10	AMEND: 10300, 10302, 10305, 10310, 10315, 10317, 10320, 10322, 10323, 10325, 10326, 10327, 10328, 10330, 10335, 10337		07/30/10	ADOPT: 70030, 70040, 71135, 71320, 71390, 71395, 71400.5, 71401, 71475, 71480, 71485, 71640, 71650, 71655, 71716, 71750, 71760, 74110, 74115, 76020, 76140, 76212, 76240 AMEND: 70000, 70010, 70020, 71100, 71110, 71120, 71130, 71140, 71150, 71160, 71170, 71180, 71190, 71200, 71210, 71220, 71230, 71240, 71250, 71260, 71270, 71280, 71290, 71300, 71310, 71340, 71380, 71400, 71405, 71450, 71455, 71460, 71465, 71470, 71500, 71550, 71600, 71630, 71700, 71705, 71710, 71715, 71720, 71730, 71735, 71740, 71745, 71770, 71810, 71850, 71865, 71920, 71930, 74000, 74002, 74004, 74006, 74120, 74130, 74140, 74150, 74160, 74170, 74190, 74200, 76000, 76120, 76130, 76200, 76210, 76215 REPEAL: 70030, 71000, 71005, 71010, 71020, 71330, 71360, 71410, 71415, 71420, 71490, 71495, 71505, 71510, 71515, 71520, 71555, 71560, 71565, 71605, 71610, 71615, 71650, 71655, 71725, 71775, 71800, 71805, 71830, 71855, 71860, 71870, 71875, 71880, 71885, 71890, 71900, 71905, 71910, 72000, 72005, 72010, 72020, 72101, 72105, 72110, 72120, 72130, 72140, 72150, 72160, 72170, 72180, 72190, 72200, 72210, 72220, 72230, 72240, 72250, 72260, 72270, 72280, 72290, 72300, 72310, 72330, 72340, 72360, 72380, 72400, 72405, 72410, 72415, 72420, 72450, 72455, 72460, 72465, 72470, 72500, 72505, 72515, 72520, 72550, 72555, 72560, 72565, 72570, 72600, 72605, 72610, 72615, 72650, 72655, 72700, 72701, 72705, 72710, 72715, 72720, 72725, 72730, 72735, 72740, 72745, 72770, 72775, 72800, 72805, 72810, 72830, 72850, 72855, 72860, 72865, 72870, 72875, 72880, 72885, 72890, 72900, 72905,
07/13/10	AMEND: 8034, 8035, 8042, 8043			
07/12/10	ADOPT: 5000, 5010, 5020, 5021, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5060, 5061, 5062, 5063, 5064, 5080, 5081, 5082, 5100, 5101, 5102, 5103, 5104, 5105, 5106, 5107, 5120, 5130, 5131, 5132, 5140, 5141, 5142, 5143, 5150, 5151, 5152, 5153, 5154, 5155, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, and 5550			
06/21/10	AMEND: 8070, 8072, 8073, 8074			
06/09/10	AMEND: 1689.1			
06/01/10	AMEND: 10020			
05/17/10	ADOPT: 12590 REPEAL: 12590			
04/29/10	AMEND: 8034, 8035, 8042, 8043			
04/13/10	ADOPT: 12350, 12351, 12352, 12353, 12354, 12355 AMEND: 12008, 12335, 12340, 12342, 12343 renumbered as and merged with amended 12342, 12344 renumbered as and merged with amended 12345, and 12348 renumbered as 12346 REPEAL: 12347			
04/06/10	ADOPT: 12372, 12395, 12396 AMEND: 12370			
03/29/10	AMEND: 1685			
03/29/10	AMEND: 1632			
03/25/10	AMEND: 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10185, 10187, 10188, 10190			

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	08/09/10 ADOPT: 4100, 4105, 4210, 4300, 4310, 4315, 4320, 4325, 4330, 4415, 4420	
	07/07/10 ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d)	
	07/07/10 ADOPT: 1850.350(a), 1850.350(b), 1850.350(c) AMEND: 1810.203.5(d)	
	05/07/10 REPEAL: 3520	
	04/28/10 ADOPT: 4350	
	04/20/10 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533	
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	08/05/10 AMEND: 2646.6	
	07/30/10 AMEND: 2699.6700	
	07/29/10 ADOPT: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8, 2548.9, 2548.10, 2548.11, 2548.12, 2548.13, 2548.14, 2548.15, 2548.16, 2548.17, 2548.18, 2548.19, 2548.20, 2548.21, 2548.22, 2548.23, 2548.24, 2548.25, 2548.26, 2548.27, 2548.28, 2548.29, 2548.30, 2548.31 REPEAL: 2548.1, 2548.2, 2548.3, 2548.4, 2548.5, 2548.6, 2548.7, 2548.8	
07/23/10 AMEND: 19816, 19816.1		07/21/10 ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741
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05/27/10 ADOPT: 80048.8, 80048.8.1, 80048.9, 80048.9.1, 80048.9.2, 80048.9.3 AMEND: 800.46.5, 80047, 80047.1, 80047.2, 80047.3, 80047.4, 80047.5, 80047.6, 80047.7, 80047.8, 80047.9, 80048.3, 80048.4, 80048.6 REPEAL: 80048.2		07/12/10 AMEND: 2698.600, 2698.602 07/01/10 AMEND: 2699.200, 2699.201 06/29/10 ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911
05/20/10 ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736		06/24/10 AMEND: 2699.6500, 2699.6700, 2699.6707, 2699.6721
04/15/10 AMEND: 19816, 19816.1		06/09/10 AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725
04/12/10 REPEAL: 40503		06/01/10 AMEND: 2498.6
04/12/10 AMEND: 42002		05/26/10 AMEND: 2699.6809
<b>Title 7</b>		05/19/10 ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507
06/21/10 AMEND: 202 REPEAL: 212		05/04/10 AMEND: 2699.6625
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08/17/10 AMEND: 4885		
08/09/10 AMEND: 9767.3, 9767.6, 9767.8, 9767.12, 9767.16, 9880, 9881, 9881.1, 10139		
08/03/10 AMEND: 3563, 3651		
07/22/10 AMEND: 5278		
07/13/10 AMEND: 9789.70		
07/01/10 AMEND: 4650, 4797, 4823		
06/30/10 AMEND: 10232.1, 10232.2, 10250.1		
06/30/10 ADOPT: 17300		
06/29/10 ADOPT: 16450, 16451, 16452, 16453, 16454, 16455, 16460, 16461, 16462, 16463, 16464 AMEND: 16421, 16423, 16427, 16428, 16431, 16433, 16500		
06/21/10 AMEND: 344.30		

04/28/10 AMEND: 2318.6  
 04/28/10 AMEND: 2318.6, 2353.1, 2354  
 04/28/10 AMEND: 2353.1  
 04/21/10 AMEND: 2699.202  
 04/21/10 AMEND: 2699.202  
 04/13/10 ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8, 2031.9, 2031.10  
 04/12/10 AMEND: 2690  
 04/06/10 ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10  
 04/01/10 ADOPT: 1409.1, 1414, 1422.4, 1422.4.1, 1422.5, 1422.6, 1422.6.1, 1422.6.2, 1422.6.3, 1422.7, 1422.7.1, 1422.9, 1422.10, 1422.11, 1422.12, 1424, 1437, 1950.122.2.1, 1950.122.4, 1950.122.4.1, 1950.122, 1950.122.5, 1950.122.5.1, 1950.122.5.2, 1950.122.5.3, 1950.122.5.4, 1950.122.6, 1950.122.7, 1950.122.8, 1950.122.9, 1950.122.10, 1950.122.11, 1950.122.12, 1950.205.1, 1950.209, 1950.307 AMEND: 1404, 1409, 1411, 1430.5, 1431, 1433, 1436, 1454, 1550, 1552, 1557, 1950.003, 1950.122.2, 1950.123, 1950.204.3, 1950.204.4, 1950.301, 1950.314.8, 1950.316, 1950.317 REPEAL: 1950.122  
 03/29/10 AMEND: 2202, 2203  
 03/18/10 ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507

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06/09/10 AMEND: 1005, 1018  
 06/09/10 AMEND: 1005, 1007, 1008  
 05/19/10 AMEND: 20  
 04/21/10 AMEND: 1084  
 03/30/10 AMEND: 1084

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08/12/10 ADOPT: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630  
 07/29/10 REPEAL: 171.04  
 07/23/10 ADOPT: 126.00, 126.02, 126.04, 127.00, 127.02, 127.04, 127.06, 127.08, 127.10  
 AMEND: 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 125.22  
 07/16/10 AMEND: 2449, 2449.1, 2449.2  
 07/08/10 AMEND: 1141(b)  
 06/14/10 AMEND: 440.04  
 06/14/10 AMEND: 345.24, 345.40, 345.41, 345.46, 345.50 REPEAL: 345.42  
 06/07/10 AMEND: 152.00, 190.03  
 05/18/10 ADOPT: 1971.5 AMEND: 1968.2, 1971.1  
 04/27/10 AMEND: 1160.3, 1160.4

04/13/10 AMEND: 1201, 1212, 1213  
 04/05/10 ADOPT: 2408.1 AMEND: 2401, 2403, 2404, 2405, 2406, 2408, 2409  
 04/01/10 AMEND: 1961, 1961.1  
 04/01/10 AMEND: 1961, 1961.1  
 03/25/10 AMEND: 2480

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08/16/10 AMEND: 918, 938, 958  
 08/12/10 AMEND: 6550.5  
 08/11/10 AMEND: 895.1, 916.9, 936.9, 956.9, 923.9, 943.9, 963.9 REPEAL: 916.9.1, 936.9.1, 916.9.2, 936.9.2, 923.9.2, 943.9.2  
 07/20/10 AMEND: 670.5  
 07/19/10 AMEND: 632  
 07/12/10 AMEND: 7.50  
 06/24/10 AMEND: 360, 361, 362, 363, 364, 555, 708, 713  
 06/23/10 AMEND: 919.9, 939.9  
 05/26/10 AMEND: 7.50  
 05/03/10 AMEND: 820.01  
 04/30/10 AMEND: 27.80  
 04/27/10 AMEND: 632  
 04/20/10 AMEND: 895.1, 914.6, 934.6, 954.6, 1024, 1025, 1026, 1030, 1052, 1052.1, 1052.4, 1092, 1092.01, 1092.09, 1092.29  
 03/29/10 ADOPT: 18452.1 AMEND: 18449, 18450, 18451, 18453, 18453.2, 18454, 18455, 18456, 18456.1, 18456.2, 18456.3, 18456.4, 18457, 18459, 18459.1, 18459.1.2, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18461, 18462, 18463, 18464, 18466, 18831 REPEAL: 18456.2.1, 18460.2.1

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 08/11/10 AMEND: 3350.2, 3352.2, 3356, 3358, 3390  
 08/05/10 REPEAL: 3999.3  
 08/05/10 REPEAL: 3999.4  
 08/05/10 REPEAL: 3999.5  
 08/04/10 ADOPT: 3042 AMEND: 3040, 3040.1, 3041, 3041.2, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3 REPEAL: 3040.2  
 07/30/10 ADOPT: 3349.1.1, 3349.1.2, 3349.1.3, 3349.1.4, 3349.2.1, 3349.2.2, 3349.2.3, 3349.2.4, 3349.3, 3349.3.1, 3349.3.2, 3349.3.3, 3349.3.4, 3349.3.5, 3349.3.6, 3349.3.7, 3349.4.1, 3349.4.2, 3349.4.3, 3349.4.4, 3349.4.5, 3349.4.6 AMEND: 3349



07/27/10	REPEAL: 3999.2	05/13/10	AMEND: 1584
07/22/10	ADOPT: 3768, 3768.1, 3768.2, 3768.3 REPEAL: 3999.6	05/13/10	AMEND: 1602.5, 1700
07/13/10	ADOPT: 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504	05/11/10	REPEAL: 1525.7
07/02/10	ADOPT: 8000, 8001, 8002	04/14/10	AMEND: 192, 193, 371
05/25/10	AMEND: 3170.1(g), 3173.2(d)	03/30/10	ADOPT: 3500 AMEND: 2300, 2401, 3502, 4041, 4500, 4508, 4701, 4702, 4703, 4901
05/25/10	AMEND: 3090, 3091, 3093, 3095	03/19/10	ADOPT: 25101.3 AMEND: 25137-7
04/26/10	ADOPT: 3720, 3721, 3721.1, 3722, 3723	03/17/10	AMEND: 1699
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08/18/10	AMEND: 1721, 1723.1	07/13/10	AMEND: 2729.7 and Appendix B of Article 4
08/12/10	AMEND: 2537, 2590	06/17/10	ADOPT: 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067
07/30/10	ADOPT: 3394.7 AMEND: 3394.1, 3394.4, 3394.5, 3394.6	<b>Title 19, 26</b>	
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07/21/10	ADOPT: 2262.1 AMEND: 2262, 2276	<b>Title 20</b>	
07/09/10	AMEND: 3000, 3003, 3005, 3065 REPEAL: 3006	07/08/10	AMEND: 2401, 2402, Appendix, Subdivisions (a) and (b)
07/09/10	AMEND: 411	<b>Title 21</b>	
07/09/10	AMEND: 3340.42	06/02/10	AMEND: 1411.1, 1411.7
07/07/10	AMEND: 3028, 3061	<b>Title 22</b>	
06/30/10	AMEND: 1355.4	08/02/10	ADOPT: 119900
06/21/10	ADOPT: 1525, 1525.1, 1525.2	07/26/10	REPEAL: 97300.1, 97300.3, 97300.5, 97300.7, 97300.9, 97300.11, 97300.13, 97300.15, 97300.17, 97300.19, 97300.21, 97300.23, 97300.25, 97300.27, 97300.29, 97300.31, 97300.33, 97300.35, 97300.37, 97300.39, 97300.41, 97300.43, 97300.45, 97300.47, 97300.49, 97300.51, 97300.53, 97300.55, 97300.57, 97300.59, 97300.61, 97300.63, 97300.65, 97300.67, 97300.69, 97300.71, 97300.73, 97300.75, 97300.77, 97300.79, 97300.81, 97300.83, 97300.85, 97300.87, 97300.89, 97300.91,
06/18/10	ADOPT: 39, 40, 41, 42, 43, 44, 45, 46, 48, 48.1, 48.2, 48.3, 48.5, 48.6		
06/07/10	ADOPT: 1702		
06/03/10	AMEND: 4180		
05/27/10	AMEND: 314		
05/20/10	AMEND: 1996.3, 1997		
05/19/10	AMEND: 3340.1		
05/13/10	ADOPT: 1399.615, 1399.616, 1399.617, 1399.618, 1399.619 AMEND: 1399.571		
05/04/10	ADOPT: 4175		
04/27/10	AMEND: 1399.152, 1399.153.3, 1399.160.3, 1399.160.4		
04/12/10	ADOPT: 3340.36.1		
03/29/10	ADOPT: 1355.4		
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06/29/10	AMEND: 100070, 100090		
06/17/10	ADOPT: 95460, 95461, 95462, 95463, 95464, 95465, 95466, 95467, 95468, 95469, 95470, 95471, 95472, 95473, 95474, 95475, 95476, Appendix 1		
06/17/10	ADOPT: 95200, 95201, 95202, 95203, 95204, 95205, 95206, 95207 AMEND: 95104		
04/15/10	AMEND: 95480.1, 95481, 95486		
04/07/10	AMEND: 1031.2, 1031.3		
<b>Title 18</b>			
07/19/10	ADOPT: 1698.5		
06/17/10	AMEND: 25136		
05/18/10	ADOPT: 1004, 1032, 1124.1, 1249, 1336, 1422.1, 2251, 2303.1, 2433, 2571, 3022, 3302.1, 3502.1, 4106, 4903		

97300.93,	97300.95,	97300.97,	97324.1,	97324.3,	97324.5,	97324.7,
97300.99,	97300.103,	97300.105,	97324.9,	97324.11,	97324.13,	97324.15,
97300.107,	97300.109,	97300.111,	97324.17,	97324.19,	97324.21,	
97300.113,	97300.115,	97300.117,	97324.23,	97324.25,	97324.27,	
97300.119,	97300.121,	97300.123,	97324.29,	97324.31,	97324.33,	
97300.125,	97300.127,	97300.129,	97324.35,	97324.37,	97324.39,	
97300.131,	97300.133,	97300.135,	97324.41,	97324.43,	97324.45,	
97300.137,	97300.139,	97300.141,	97324.47,	97324.49,	97324.51,	
97300.143,	97300.145,	97300.147,	97324.53,	97324.55,	97324.57,	
97300.149,	97300.151,	97300.153,	97324.59,	97324.61,	97324.63,	
97300.155,	97300.157,	97300.159,	97324.65,	97324.67,	97324.69,	
97300.161,	97300.163,	97300.165,	97324.71,	97324.73,	97324.75,	
97300.167,	97300.169,	97300.171,	97324.77,	97325.1,	97325.3,	97325.5,
97300.173,	97300.175,	97300.177,	97325.7,	97325.9,	97326.1,	97326.3,
97300.179,	97300.181,	97300.183,	97326.5,	97326.7,	97326.9,	97326.11,
97300.185,	97300.187,	97300.189,	97326.13,	97326.15,	97331.1,	97331.3,
97300.191,	97300.193,	97300.195,	97331.5,	97331.7,	97332.1,	97333.1,
97300.197,	97300.199,	97300.203,	97333.3,	97333.5,	97333.7,	97333.9,
97300.205,	97300.207,	97300.209,	97333.11,	97333.13,	97333.15,	
97300.211,	97300.213,	97300.215,	97333.17,	97333.19,	97333.21,	
97300.217,	97300.219,	97300.221,	97333.23,	97335.1,	97335.3,	97341.1,
7300.223,	97300.225,	97300.227,	97341.3,	97341.5,	97341.7,	97342.1,
97300.229,	97300.231,	97320.1,	97324.1,	97343.3,	97343.5,	97343.7,
97320.3,	97320.5,	97320.7,	97343.9,	97343.11,	97343.13,	97345.1,
97320.11,	97320.13,	97320.15,	97345.3,	97350.1,	97350.3,	97350.5,
97320.17,	97320.19,	97320.21,	97350.7,	97350.9,	97352.1,	97352.3,
97320.23,	97320.25,	97320.27,	97352.5,	97352.7,	97352.9,	97352.11,
97320.29,	97320.31,	97321.1,	97353.1,	97353.3,	97353.5,	97353.7,
97321.5,	97321.7,	97321.11,	97353.9,	97353.11,	97353.13,	97353.15,
97321.15,	97321.17,	97321.19,	97354.1,	97354.3,	97354.5,	97361.1,
97321.21,	97321.23,	97321.25,	97361.3,	97361.5,	97362.1,	97363.1,
97321.27,	97321.29,	97321.31,	97363.3,	97363.5,	97363.7,	97363.9,
97321.33,	97321.35,	97321.37,	97363.11,	97364.1,	97364.3,	97364.5,
97321.39,	97321.41,	97321.43,	97364.7,	97364.9,	97365.1,	97365.3,
97321.45,	97321.47,	97321.49,	97370.1,	97370.3,	97370.5,	97370.7,
97321.51,	97321.53,	97321.55,	97372.1,	97372.3,	97372.5,	97372.7,
97321.57,	97321.59,	97321.61,	97372.9,	97373.1,	97373.3,	97373.5,
97321.63,	97321.65,	97321.67,	97373.7,	97374.1,	97381.1,	97381.3,
97321.69,	97321.71,	97321.73,	97381.5,	97381.7,	97381.9,	97381.11,
97321.75,	97321.77,	97321.79,	97382.1,	97383.1,	97383.3,	97383.5,
97321.81,	97321.83,	97321.85,	97383.7,	97383.9,	97383.11,	97383.13,
97321.87,	97321.89,	97321.91,	97383.15,	97383.17,	97383.19,	97384.1,
97321.93,	97321.95,	97321.97,	97384.3,	97384.5,	97384.7,	97385.1,
97321.98,	97321.99,	97321.101,	97385.3,	97385.5,	97390.1,	97390.3,
97321.103,	97321.105,	97321.107,	97391.1,	97392.1,	97392.3,	97392.5,
97321.109,	97321.111,	97321.113,	97392.7,	97392.9,	97392.11,	97392.13,
97321.115,	97321.117,	97321.119,	97394.1,	97395.1,	97395.3,	97401.1,
97321.121,	97321.123,	97321.125,	97401.3,	97401.5,	97402.1,	97403.1,
97321.127,	97321.129,	97321.131,	97403.3,	97404.1,	97404.3,	97404.5,
97321.133,	97321.135,	97321.137,	97404.7,	97404.9,	97405.1,	97405.3,
97321.139,	97321.141,	97321.143,	97411.1,	97411.3,	97411.5,	97411.7,
97321.145,	97321.147,	97321.149,	97411.9,	97411.11,	97412.1,	97412.3,
97322.1,	97322.3,	97322.5,	97412.5,	97412.7,	97412.9,	97413.1,
97322.9,	97322.11,	97322.13,	97413.3,	97413.5,	97413.7,	97413.9,
97323.1,	97323.3,	97323.5,	97413.11,	97414.1,	97414.3,	97416.1,
97323.9,	97323.11,	97323.13,	97416.3,	97416.5,	97416.7,	97416.9,

	97416.11, 97417.1, 97418.1, 97420.1, 97420.3, 97420.5, 97421.1, 97425.1, 97425.3, 97425.5, 97425.7, 97425.9, 97426.1, 97426.3, 97426.5, 97426.7, 97426.9, 97426.11, 97431.1, 97431.3, 97431.5, 97432.1, 97433.1, 97433.3, 97434.1, 97434.3, 97434.5, 97434.7, 97434.9		100211.1, 100214.1, 100214.2, 100214.3
07/23/10	AMEND: 66261.3, 66261.4, 66268.1, 66268.7, 66268.9, 66268.124	05/12/10	ADOPT: 5300, 5400 AMEND: 5002, 5010, 5052, 5055, 5062, 5102, 5105
07/22/10	ADOPT: 52000, 52100, 52101, 52102, 52103, 52104, 52500, 52501, 52502, 52503, 52504, 52505, 52506, 52508, 52509, 52510, 52511, 52512, 52513, 52514, 52515, 52516, 52600	05/12/10	AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306
07/21/10	AMEND: 97232	05/06/10	AMEND: 66273.36
06/24/10	AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 51544, 54501	04/08/10	AMEND: 50778
06/22/10	AMEND: 2706-7	04/05/10	AMEND: 4446.5
06/17/10	AMEND: 51516.1	<b>Title 22, MPP</b>	
05/25/10	AMEND: 66262.44	07/09/10	ADOPT: 87606 AMEND: 87202, 87208, 87212, 87455, 87633
05/19/10	AMEND: 100159, 100166, 100171	<b>Title 23</b>	
05/18/10	ADOPT: 100102.1, 100103.1, 100103.2, 100106.1, 100106.2, 100107.1 AMEND: 100101, 100102, 100103, 100104, 100105, 100106, 100107, 100108, 100109, 100110, 100111, 100112, 100113, 100114, 100115, 100116, 100117, 100118, 100119, 100120, 100121, 100122, 100123, 100124, 100125, 100126, 100127, 100128, 100129, 100130	07/19/10	ADOPT: 6932 REPEAL: 6932
05/18/10	ADOPT: 100059.1, 100061.2 AMEND: 100057, 100058, 100059, 100059.2, 100060, 100061, 100061.1, 100062, 100063, 100063.1, 100064, 100064.1, 100065, 100066, 100067, 100068, 100069, 100070, 100071, 100072, 100073, 100074, 100075, 100076, 100077, 100078, 100079, 100080, 100081, 100082, 100083	07/12/10	ADOPT: 3929.3
05/18/10	ADOPT: 100340, 100341, 100342, 100343, 100343.1, 100343.2, 100343.3, 100344, 100345, 100346, 100346.1, 100347, 100348, 100349	07/12/10	ADOPT: 3919.8
05/18/10	ADOPT: 100202.1, 100206.1, 100206.2, 100206.3, 100206.4, 100208.1,	05/20/10	ADOPT: 2910 REPEAL: 2910
		<b>Title 25</b>	
		07/19/10	ADOPT: 6932 REPEAL: 6932
		06/11/10	AMEND: 8315
		05/25/10	AMEND: 7966, 7970
		03/26/10	AMEND: 10001
		<b>Title 27</b>	
		07/13/10	AMEND: 25705(b)
		04/09/10	ADOPT: 22100, 22101, 22103, Division 2 Form CalRecycle 114 AMEND: 20164, 21200, 21570, 21640, 21685, 21820, 21840, 21865, 21880, 22102, 22211, 22220, 22221, 22231, 22234, 22245, 22248, Division 2 Appendix 3, Division 2 form Calrecycle 100, Division 2 form Calrecycle 106
		<b>Title MPP</b>	
		06/10/10	AMEND: 42-302, 42-712, 42-713
		06/02/10	AMEND: 19-005
		05/17/10	ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
		05/17/10	AMEND: 44-211
		05/10/10	AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306